



March 26, 1999

**ENGROSSED
SENATE BILL No. 606**

DIGEST OF SB 606 (Updated March 24, 1999 2:01 pm - DI 98)

Citations Affected: IC 1-1; IC 4-15; IC 5-1; IC 5-20; IC 12-7; IC 12-8; IC 12-9; IC 12-10; IC 12-11; IC 12-12; IC 12-13; IC 12-15; IC 12-17; IC 12-24; IC 12-26; IC 12-28; IC 16-29; IC 20-1; noncode.

Synopsis: Disability and rehabilitative services. Removes references to the New Castle State Developmental Center and the Northern Indiana State Developmental Center. Provides that the Indiana housing finance authority may allocate federal low income housing credits to a building providing housing for persons with disabilities even if the building is not "primarily" used to provide residential housing for persons with disabilities. Requires the authority to allocate the federal credits under this provision based on the proportionate amount of a
(Continued next page)

Effective: July 1, 1999.

Riegsecker, Gard

(HOUSE SPONSORS — KLINKER, ALDERMAN, ULMER, HERRELL)

January 21, 1999, read first time and referred to Committee on Health and Provider Services.

February 11, 1999, amended, reported favorably — Do Pass.

February 16, 1999, read second time, ordered engrossed.

February 17, 1999, engrossed.

February 25, 1999, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Human Affairs.

March 25, 1999, amended, reported — Do Pass.

ES 606—LS 8080/DI 77+



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qualified building that is used to provide residential housing for persons with disabilities. Relocates provisions within the Indiana Code governing the family support program and the funding requirements for centers for independent living. Revises the duties of the bureau of developmental disabilities services. Authorizes the adult protective services unit to use the prosecuting attorney to obtain a protective order. Requires the board of interpreter standards to adopt certain rules. Removes reference to state owned children's facilities under the authority of the director of the division of family and children. Makes numerous changes to transition services offered to disabled students who leave the special education program. Provides that a participant in the assistance to residents of county homes program or the room, board, and assistance program may retain one-half of the person's employment income, minus certain deductions, regardless of whether the income is a result of a personal habilitation plan. Repeals existing provisions governing community residential programs, case management services, respite care, diagnostic assessment, rehabilitation services, the emergency support fund, and the family subsidy program. Adds duties to the Indiana commission on mental retardation and developmental disabilities. Extends the term of the commission until 2005. Makes conforming amendments.

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March 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 606

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 1-1-3.5-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The governor
3 shall forward a copy of the executive order issued under section 3 of
4 this chapter to:
5 (1) the director of the Indiana state library;
6 (2) the election division; and
7 (3) the Indiana Register.
8 (b) The director of the Indiana state library, or an employee of the
9 Indiana state library designated by the director to supervise a state data
10 center established under IC 4-23-7.1, shall notify each state agency
11 using population counts as a basis for the distribution of funds or
12 services of the effective date of the tabulation of population or
13 corrected population count.
14 (c) The agencies that the director of the Indiana state library must
15 notify under subsection (b) include the following:

ES 606—LS 8080/DI 77+



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- 1 (1) The auditor of state, for distribution of money from the
 2 following:
 3 (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
 4 (B) Excise tax revenue allocated under IC 7.1-4-7-8.
 5 (C) The local road and street account in accordance with
 6 IC 8-14-2-4.
 7 (D) The repayment of loans from the Indiana University
 8 permanent endowment funds under IC 21-7-4.
 9 (2) The board of trustees of Ivy Tech State College, for the board's
 10 division of Indiana into service regions under IC 20-12-61-9.
 11 (3) The department of commerce, for the distribution of money
 12 from the following:
 13 (A) The rural development fund under IC 4-4-9.
 14 (B) The growth investment program fund under IC 4-4-20.
 15 (4) The division of disability, aging, and rehabilitative services,
 16 for establishing priorities for community residential facilities
 17 under ~~IC 12-11-1-9~~ **IC 12-11-1.1** and IC 12-28-4-12.
 18 (5) The department of state revenue, for distribution of money
 19 from the motor vehicle highway account fund under IC 8-14-1-3.
 20 (6) The enterprise zone board, for the evaluation of enterprise
 21 zone applications under IC 4-4-6.1.
 22 (7) The Indiana alcoholic beverage commission, for the issuance
 23 of permits under IC 7.1.
 24 (8) The Indiana library and historical board, for distribution of
 25 money to eligible public library districts under IC 4-23-7.1-29.
 26 (9) The state board of accounts, for calculating the state share of
 27 salaries paid under IC 33-13-12, IC 33-14-7, and IC 33-15-26.
 28 **SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS**
 29 **FOLLOWS [EFFECTIVE JULY 1, 1999]:** Sec. 3.8. "State service"
 30 means public service by:
 31 (1) employees and officers, including the incumbent directors, of
 32 the county offices of family and children; and
 33 (2) employees and officers, except members of boards and
 34 commissions or individuals hired for or appointed to, after June
 35 30, 1982, positions as appointing authorities, deputies, assistants
 36 reporting to appointing authorities, or supervisors of major units
 37 within state agencies, irrespective of the title carried by those
 38 positions, of the division of disability, aging, and rehabilitative
 39 services, Fort Wayne State Developmental Center, Muscatatuck
 40 State Developmental Center, ~~New Castle State Developmental~~
 41 ~~Center, Northern Indiana State Developmental Center~~, division of
 42 mental health, Larue D. Carter Memorial Hospital, Evansville



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1 State Psychiatric Treatment Center for Children, Central State
 2 Hospital, Evansville State Hospital, Logansport State Hospital,
 3 Madison State Hospital, Richmond State Hospital, state
 4 department of health, Indiana School for the Blind, Indiana
 5 School for the Deaf, Indiana Veterans' Home, Indiana Soldiers'
 6 and Sailors' Children's Home, Silvercrest Children's Development
 7 Center, department of correction, Westville Correctional Facility,
 8 Plainfield Juvenile Correctional Facility, Putnamville
 9 Correctional Facility, Indianapolis Juvenile Correctional Facility,
 10 Indiana State Prison, Indiana Women's Prison, Pendleton
 11 Correctional Facility, Reception and Diagnostic Center, Rockville
 12 Correctional Facility, Youth Rehabilitation Facility, Plainfield
 13 Correctional Facility, department of fire and building services,
 14 state emergency management agency (excluding a county
 15 emergency management organization and any other local
 16 emergency management organization created under IC 10-4-1),
 17 civil rights commission, criminal justice planning agency,
 18 department of workforce development, Indiana historical bureau,
 19 Indiana state library, division of family and children, Indiana state
 20 board of animal health, Federal Surplus Property Warehouse,
 21 Indiana education employment relations board, public employees'
 22 retirement fund, teachers' retirement fund, department of labor,
 23 Indiana protection and advocacy services commission,
 24 commission on public records, Indiana horse racing commission,
 25 and state personnel department.

26 SECTION 3. IC 5-1-16-1 IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

28 "Authority" refers to the Indiana health facility financing authority.

29 "Bonds" includes bonds, refunding bonds, notes, interim
 30 certificates, bond anticipation notes, and other evidences of
 31 indebtedness of the authority, issued under this chapter.

32 "Building" or "buildings" or similar words mean any building or part
 33 of a building or addition to a building for health care purposes. The
 34 term includes the site for the building (if a site is to be acquired),
 35 equipment, heating facilities, sewage disposal facilities, landscaping,
 36 walks, drives, parking facilities, and other structures, facilities,
 37 appurtenances, materials, and supplies that may be considered
 38 necessary to render a building suitable for use and occupancy for health
 39 care purposes.

40 "Cost" includes the following:

- 41 (1) The cost and the incidental and related costs of the
 42 acquisition, repair, restoration, reconditioning, refinancing, or

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- 1 installation of health facility property.
- 2 (2) The cost of any property interest in health facility property,
- 3 including an option to purchase a leasehold interest.
- 4 (3) The cost of constructing health facility property, or an addition
- 5 to health facility property, acquiring health facility property, or
- 6 remodeling health facility property.
- 7 (4) The cost of architectural, engineering, legal, trustee,
- 8 underwriting, and related services; the cost of the preparation of
- 9 plans, specifications, studies, surveys, and estimates of cost and
- 10 of revenue; and all other expenses necessary or incident to
- 11 planning, providing, or determining the need for or the feasibility
- 12 and practicability of health facility property.
- 13 (5) The cost of financing charges, including premiums or
- 14 prepayment penalties and interest accrued during the construction
- 15 of health facility property or before the acquisition and
- 16 installation or refinancing of such health facility property for up
- 17 to two (2) years after such construction, acquisition, and
- 18 installation or refinancing and startup costs related to health
- 19 facility property for up to two (2) years after such construction,
- 20 acquisition, and installation or refinancing.
- 21 (6) The costs paid or incurred in connection with the financing of
- 22 health facility property, including out-of-pocket expenses, the cost
- 23 of any policy of insurance; the cost of printing, engraving, and
- 24 reproduction services; and the cost of the initial or acceptance fee
- 25 of any trustee or paying agent.
- 26 (7) The costs of the authority, incurred in connection with
- 27 providing health facility property, including reasonable sums to
- 28 reimburse the authority for time spent by its agents or employees
- 29 in providing and financing health facility property.
- 30 (8) The cost paid or incurred for the administration of any
- 31 program for the purchase or lease of or the making of loans for
- 32 health facility property, by the authority and any program for the
- 33 sale or lease of or making of loans for health facility property to
- 34 any participating provider.
- 35 "County" means any county in the state that owns and operates a
- 36 county hospital.
- 37 "Health facility property" means any tangible or intangible property
- 38 or asset owned or used by a participating provider and which:
- 39 (1) is determined by the authority to be necessary or helpful,
- 40 directly or indirectly, to provide:
- 41 (A) health care;
- 42 (B) medical research;

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- 1 (C) training or teaching of health care personnel;
 2 (D) habilitation, rehabilitation, or therapeutic services; or
 3 (E) any related supporting services;
 4 in Indiana, regardless of whether such property is in existence at
 5 the time of, or is to be provided after the making of, such finding;
 6 (2) is a residential facility for:
 7 (A) the physically, mentally, or emotionally disabled;
 8 (B) the physically or mentally ill; or
 9 (C) the elderly; or
 10 (3) is a licensed child caring institution providing residential care
 11 described in IC 12-7-2-29(1).
 12 "Health facility" means any facility or building owned or used by a
 13 participating provider which is utilized, directly or indirectly:
 14 (1) in:
 15 (A) health care;
 16 (B) habilitation, rehabilitation, or therapeutic services;
 17 (C) medical research;
 18 (D) the training or teaching of health care personnel; or
 19 (E) any related supporting services;
 20 (2) to provide a residential facility for:
 21 (A) the physically, mentally, or emotionally disabled;
 22 (B) the physically or mentally ill; or
 23 (C) the elderly; or
 24 (3) as a child caring institution and provides residential care
 25 described in IC 12-7-2-29(1).
 26 "Net revenues" means the revenues of a hospital remaining after
 27 provision for proper and reasonable expenses of operation, repair,
 28 replacement, and maintenance of the hospital.
 29 "Participating provider" means a person, corporation, municipal
 30 corporation, political subdivision, or other entity, public or private,
 31 which:
 32 (1) is:
 33 (A) licensed under IC 12-25, IC 16-21, or IC 16-28;
 34 (B) a regional blood center;
 35 (C) a community mental health center or community mental
 36 retardation and other developmental disabilities center (as
 37 defined in IC 12-7-2-38 and IC 12-7-2-39);
 38 (D) an entity that contracts with the **division of disability,**
 39 **aging, and rehabilitative services or the** division of mental
 40 health to provide the program described in ~~IC 12-11-2~~
 41 **IC 12-11-1.1-1(e)** or IC 12-22-2;
 42 (E) a vocational rehabilitation center established under



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- 1 IC 12-12-1-4(1);
- 2 (F) the owner or operator of a facility that is utilized, directly
- 3 or indirectly, to provide health care, habilitation, rehabilitation,
- 4 therapeutic services, medical research, the training or teaching
- 5 of health care personnel, or any related supporting services, or
- 6 of a residential facility for the physically, mentally, or
- 7 emotionally disabled, physically or mentally ill, or the elderly;
- 8 (G) a licensed child caring institution providing residential
- 9 care described in IC 12-7-2-29(1);
- 10 (H) an integrated health care system between or among
- 11 providers, a health care purchasing alliance, a health insurer
- 12 or third party administrator that is a participant in an integrated
- 13 health care system, a health maintenance or preferred provider
- 14 organization, or a foundation that supports a health care
- 15 provider; or
- 16 (I) an individual, a business entity, or a governmental entity
- 17 that owns an equity or membership interest in any of the
- 18 organizations described in clauses (A) through (H); and
- 19 (2) under this chapter, contracts with the authority for the
- 20 financing or refinancing of, or the lease or other acquisition of,
- 21 health facility property.
- 22 "Regional blood center" means a nonprofit corporation or
- 23 corporation created under 36 U.S.C. 1 that:
- 24 (1) is:
- 25 (A) accredited by the American Association of Blood Banks;
- 26 or
- 27 (B) registered or licensed by the Food and Drug
- 28 Administration of the Department of Health and Human
- 29 Services; and
- 30 (2) owns and operates a health facility that is primarily engaged
- 31 in:
- 32 (A) drawing, testing, processing, and storing human blood and
- 33 providing blood units or components to Indiana hospitals; or
- 34 (B) harvesting, testing, typing, processing, and storing human
- 35 body tissue and providing this tissue to Indiana hospitals.
- 36 SECTION 4. IC 5-20-1-2 IS AMENDED TO READ AS FOLLOWS
- 37 [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:
- 38 "Assisted" means, with respect to a loan:
- 39 (1) the payment by the United States or any duly authorized
- 40 agency ~~thereof~~ **of the United States** of assistance payments,
- 41 interest payments, or mortgage reduction payments with respect
- 42 to such loan; or

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1 (2) the provision of insurance, guaranty, security, collateral,
 2 subsidies, or other forms of assistance or aid acceptable to the
 3 authority for the making, holding, or selling of a loan from the
 4 United States, any duly authorized agency ~~thereof~~, **of the United**
 5 **States**, or any entity or corporation acceptable to the authority,
 6 other than the sponsor.

7 "Authority" means the Indiana housing finance authority created
 8 under this chapter.

9 "Bonds" or "notes" means the bonds or notes authorized to be issued
 10 by the authority under this chapter.

11 "Development costs" means the costs approved by the authority as
 12 appropriate expenditures and credits which may be incurred by
 13 sponsors, builders, and developers of residential housing prior to
 14 commitment and initial advance of the proceeds of a construction loan
 15 or of a mortgage, including but not limited to:

16 (1) payments for options to purchase properties on the proposed
 17 residential housing site, deposits on contracts of purchase, or,
 18 with prior approval of the authority, payments for the purchase of
 19 such properties;

20 (2) legal, organizational, and marketing expenses, including
 21 payments of attorney's fees, project manager, clerical, and other
 22 incidental expenses;

23 (3) payment of fees for preliminary feasibility studies and
 24 advances for planning, engineering, and architectural work;

25 (4) expenses for surveys as to need and market analyses;

26 (5) necessary application and other fees;

27 (6) credits allowed by the authority to recognize the value of
 28 service provided at no cost by the sponsors, builders, or
 29 developers; and

30 (7) such other expenses as the authority deems appropriate for the
 31 purposes of this chapter.

32 "Governmental agency" means any department, division, public
 33 agency, political subdivision, or other public instrumentality of the
 34 state of Indiana, the federal government, any other state or public
 35 agency, or any two (2) or more thereof.

36 "Construction loan" means a loan to provide interim financing for
 37 the acquisition or construction of single family residential housing,
 38 including land development.

39 "Mortgage" or "mortgage loan" means a loan to provide permanent
 40 financing for:

41 (1) the rehabilitation, acquisition, or construction of single family
 42 residential housing, including land development; or

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1 (2) the weatherization of single family residences.

2 "Mortgage lender" means a bank, trust company, savings bank,
3 savings association, credit union, national banking association, federal
4 savings association or federal credit union maintaining an office in this
5 state, a public utility (as defined in IC 8-1-2-1), a gas utility system
6 organized under IC 8-1-11.1, an insurance company authorized to do
7 business in this state, or any mortgage banking firm or mortgagee
8 authorized to do business in this state and approved by either the
9 authority or the Department of Housing and Urban Development.

10 "Land development" means the process of acquiring land primarily
11 for residential housing construction for persons and families of low and
12 moderate income and making, installing, or constructing nonresidential
13 housing improvements, including water, sewer, and other utilities,
14 roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and
15 other installations or works, whether on or off the site, which the
16 authority deems necessary or desirable to prepare such land primarily
17 for residential housing construction.

18 "Obligations" means any bonds or notes authorized to be issued by
19 the authority under this chapter.

20 "Persons and families of low and moderate income" means persons
21 and families of insufficient personal or family income to afford
22 adequate housing as determined by the standards established by the
23 authority, and in determining such standards the authority shall take
24 into account the following:

- 25 (1) The amount of total income of such persons and families
26 available for housing needs.
27 (2) The size of the family.
28 (3) The cost and condition of housing facilities available in the
29 different geographic areas of the state.
30 (4) The ability of such persons and families to compete
31 successfully in the private housing market and to pay the amounts
32 at which private enterprise is providing sanitary, decent, and safe
33 housing.

34 The standards shall, however, comply with the applicable limitations
35 of section 4(b) of this chapter.

36 "Residential facility for children" means a facility:

- 37 (1) that provides residential services to individuals who are:
38 (A) under twenty-one (21) years of age; and
39 (B) adjudicated to be children in need of services under
40 IC 31-34 (or IC 31-6-4 before its repeal) or delinquent children
41 under IC 31-37 (or IC 31-6-4 before its repeal); and
42 (2) that is:



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- 1 (A) a child caring institution that is or will be licensed under
 2 IC 12-17.4;
 3 (B) a residential facility that is or will be licensed under
 4 IC 12-28-5; or
 5 (C) a facility that is or will be certified by the division of
 6 mental health under IC 12-23.

7 "Residential facility for the developmentally disabled" means a
 8 facility that is approved for use in a community residential program for
 9 the developmentally disabled under ~~IC 12-11-2-1(1), IC 12-11-2-1(2),~~
 10 ~~or IC 12-11-2-1(3).~~ **IC 12-11-1.1.**

11 "Residential facility for the mentally ill" means a facility that is
 12 approved by the division of mental health for use in a community
 13 residential program for the mentally ill under IC 12-22-2-3(1),
 14 IC 12-22-2-3(2), IC 12-22-2-3(3), or IC 12-22-2-3(4).

15 "Residential housing" means a specific work or improvement
 16 undertaken primarily to provide single or multiple family housing for
 17 rental or sale to persons and families of low and moderate income,
 18 including the acquisition, construction, or rehabilitation of lands,
 19 buildings, and improvements ~~thereto, to the housing,~~ and such other
 20 nonhousing facilities as may be incidental or appurtenant ~~thereto.~~ **to**
 21 **the housing.**

22 "Sponsors", "builders", or "developers" means corporations,
 23 associations, partnerships, limited liability companies, or other entities
 24 and consumer housing cooperatives organized pursuant to law for the
 25 primary purpose of providing housing to low and moderate income
 26 persons and families.

27 "State" means the state of Indiana.

28 "Tenant programs and services" means services and activities for
 29 persons and families living in residential housing, including the
 30 following:

- 31 (1) Counseling on household management, housekeeping,
 32 budgeting, and money management.
 33 (2) Child care and similar matters.
 34 (3) Access to available community services related to job training
 35 and placement, education, health, welfare, and other community
 36 services.
 37 (4) Guard and other matters related to the physical security of the
 38 housing residents.
 39 (5) Effective management-tenant relations, including tenant
 40 participation in all aspects of housing administration,
 41 management, and maintenance.
 42 (6) Physical improvements of the housing, including buildings,



1 recreational and community facilities, safety measures, and
2 removal of code violations.

3 (7) Advisory services for tenants in the creation of tenant
4 organizations which will assume a meaningful and responsible
5 role in the planning and carrying out of housing affairs.

6 (8) Procedures whereby tenants, either individually or in a group,
7 may be given a hearing on questions relating to management
8 policies and practices either in general or in relation to an
9 individual or family.

10 SECTION 5. IC 5-20-1-4.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) As used in this
12 section, "person with a disability" means a person who, by reason of
13 physical, mental, or emotional defect or infirmity, whether congenital
14 or acquired by accident, injury, or disease, is totally or partially
15 prevented from achieving the fullest attainable physical, social,
16 economic, mental, and vocational participation in the normal process
17 of living.

18 (b) As used in this section, "qualified building" means a building:

19 (1) that is used or will be used ~~primarily~~ to provide residential
20 housing for persons with disabilities; and

21 (2) for which a taxpayer is eligible to claim a low income housing
22 credit under 26 U.S.C. 42.

23 (c) Subject to subsection (d), the authority shall allocate to qualified
24 buildings at least ten percent (10%) of the total dollar amount of federal
25 low income housing credits allocated to the authority under 26 U.S.C.
26 42. **The authority shall allocate credits under this section based on**
27 **the proportionate amount of a qualified building that is used to**
28 **provide residential housing for persons with disabilities, as**
29 **determined by the authority.**

30 (d) The authority shall hold available the allocation made under
31 subsection (c) for qualified buildings through October 31 of each
32 calendar year. Beginning November 1 of each calendar year, any part
33 of the allocation that remains unassigned shall be available for any
34 appropriate use under 26 U.S.C. 42.

35 SECTION 6. IC 12-7-2-15 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. "Applicant" means
37 the following:

38 (1) For purposes of the following statutes, a person who has
39 applied for assistance for the applicant or another person under
40 any of the following statutes:

41 (A) IC 12-10-6.

42 (B) IC 12-10-12.

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- 1 ~~(C)~~ ~~IC 12-11-4.~~
- 2 ~~(D)~~ (C) IC 12-13.
- 3 ~~(E)~~ (D) IC 12-14.
- 4 ~~(F)~~ (E) IC 12-15.
- 5 ~~(G)~~ (F) IC 12-17-1.
- 6 ~~(H)~~ (G) IC 12-17-2.
- 7 ~~(I)~~ (H) IC 12-17-3.
- 8 ~~(J)~~ (I) IC 12-17-9.
- 9 ~~(K)~~ (J) IC 12-17-10.
- 10 ~~(L)~~ (K) IC 12-17-11.
- 11 ~~(M)~~ (L) IC 12-19.

12 (2) For purposes of IC 12-17-12, the meaning set forth in
 13 IC 12-17-12-1.

14 (3) For purposes of IC 12-17-13, the meaning set forth in
 15 IC 12-17-13-1.

16 (4) For the purposes of IC 12-17.2, a person who seeks a license
 17 to operate a child care center or child care home.

18 (5) For purposes of IC 12-17.4, a person who seeks a license to
 19 operate a child caring institution, foster family home, group home,
 20 or child placing agency.

21 SECTION 7. IC 12-7-2-18 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. "Assistance", for
 23 purposes of the following statutes, means money or services regardless
 24 of the source, paid or furnished under any of the following statutes:

- 25 (1) IC 12-10-6.
- 26 (2) IC 12-10-12.
- 27 ~~(3)~~ ~~IC 12-11-4.~~
- 28 ~~(4)~~ (3) IC 12-13.
- 29 ~~(5)~~ (4) IC 12-14.
- 30 ~~(6)~~ (5) IC 12-15.
- 31 ~~(7)~~ (6) IC 12-17-1.
- 32 ~~(8)~~ (7) IC 12-17-2.
- 33 ~~(9)~~ (8) IC 12-17-3.
- 34 ~~(10)~~ (9) IC 12-17-9.
- 35 ~~(11)~~ (10) IC 12-17-10.
- 36 ~~(12)~~ (11) IC 12-17-11.
- 37 ~~(13)~~ (12) IC 12-19.

38 SECTION 8. IC 12-7-2-20 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. "Autistic", for
 40 purposes of ~~IC 12-11-1-8~~ **IC 12-11-1.1-6** and IC 12-28-4-13, refers to
 41 the characteristics of a neurological disorder that is described in the
 42 Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition,

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1 Washington, American Psychiatric Association, 1994, pages 70 and 71.

2 SECTION 9. IC 12-7-2-21 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. "Blind" means the
4 following:

5 (1) For purposes of the following statutes, the term refers to an
6 individual who has vision in the better eye with correcting glasses
7 of 20/200 or less, or a disqualifying visual field defect as
8 determined upon examination by an ophthalmologist or
9 optometrist who has been designated to make such examinations
10 by the county office and approved by the division of family and
11 children or by the division in the manner provided in any of the
12 following statutes:

13 (A) IC 12-10-6.

14 (B) IC 12-10-12.

15 ~~(C) IC 12-11-4.~~

16 ~~(D)~~ (C) IC 12-13.

17 ~~(E)~~ (D) IC 12-14.

18 ~~(F)~~ (E) IC 12-15.

19 ~~(G)~~ (F) IC 12-17-1.

20 ~~(H)~~ (G) IC 12-17-2.

21 ~~(I)~~ (H) IC 12-17-3.

22 ~~(J)~~ (I) IC 12-17-9.

23 ~~(K)~~ (J) IC 12-17-10.

24 ~~(L)~~ (K) IC 12-17-11.

25 ~~(M)~~ (L) IC 12-19.

26 (2) For purposes of the following statutes, the term refers to an
27 individual who has a central visual acuity of 20/200 or less in the
28 individual's better eye with the best correction or a field of vision
29 that is not greater than twenty (20) degrees at its widest diameter:

30 (A) IC 12-12-1.

31 (B) IC 12-12-3.

32 (C) IC 12-12-5.

33 (D) IC 12-12-6.

34 SECTION 10. IC 12-7-2-22 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. "Board" means the
36 following:

37 (1) For purposes of IC 12-10-10 and IC 12-10-11, the community
38 and home options to institutional care for the elderly and disabled
39 board established by IC 12-10-11-1.

40 (2) For purposes of 12-12-7-5, the meaning set forth in
41 ~~IC 12-12-7-5.~~ **IC 12-12-7-5(a).**

42 (3) For purposes of IC 12-15-35, the meaning set forth in

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1 IC 12-15-35-2.
 2 (4) For purposes of IC 12-17-2-36, the meaning set forth in
 3 IC 12-17-2-36(a).
 4 ~~(5) For purposes of IC 12-17-2 and IC 12-17-4, the board for the~~
 5 ~~coordination of child care regulation established by~~
 6 ~~IC 12-17-2-3-1.~~

7 SECTION 11. IC 12-7-2-24 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. "Bureau" means the
 9 following:

- 10 (1) For purposes of IC 12-10, the bureau of aging and in-home
 11 services established by IC 12-10-1-1.
- 12 (2) For purposes of IC 12-11, the bureau of developmental
 13 disabilities services established by ~~IC 12-11-1-1.~~ **IC 12-11-1.1-1.**
- 14 (3) For purposes of IC 12-12, the rehabilitation services bureau of
 15 the division of disability, aging, and rehabilitative services
 16 established by IC 12-12-1-1.
- 17 (4) For purposes of IC 12-17-2, the meaning set forth in
 18 IC 12-17-2-1.

19 SECTION 12. IC 12-7-2-26.1 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.1. "Center for
 21 independent living", for purposes of ~~IC 12-11-11-1.~~ **IC 12-12-8**, has the
 22 meaning set forth in ~~IC 12-11-11-1-1.~~ **IC 12-12-8-1.**

23 SECTION 13. IC 12-7-2-40 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40. "Community
 25 residential program", ~~refers to the following:~~

- 26 ~~(1) For purposes of IC 12-11-1, the program described in~~
 27 ~~IC 12-11-1-1.~~
- 28 ~~(2) for purposes of IC 12-22-2, refers to the program programs~~
 29 ~~described in IC 12-22-2-3.~~

30 SECTION 14. IC 12-7-2-40.7 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40.7. "Consumer
 32 control", for purposes of ~~IC 12-11-11-1.~~ **IC 12-12-8**, has the meaning
 33 set forth in ~~IC 12-11-11-1-2.~~ **IC 12-12-8-2.**

34 SECTION 15. IC 12-7-2-51.9 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 51.9. "Cross-disability",
 36 for purposes of ~~IC 12-11-11-1.~~ **IC 12-12-8**, has the meaning set forth
 37 in ~~IC 12-11-11-1-3.~~ **IC 12-12-8-3.**

38 SECTION 16. IC 12-7-2-62 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 62. "Developmentally
 40 disabled individual", for purposes of ~~IC 12-11-2 and IC 12-11-3;~~
 41 **IC 12-11-1.1 and IC 12-11-2.1**, refers to an individual who has a
 42 developmental disability.

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1 SECTION 17. IC 12-7-2-82.5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 82.5. "Family support
 3 program", for purposes of ~~IC 12-11-10~~; **IC 12-8-14**, has the meaning
 4 set forth in ~~IC 12-11-10-1~~. **IC 12-8-14-1**.

5 SECTION 18. IC 12-7-2-99 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 99. "A person with a
 7 disability" means, ~~the following~~:

8 ~~(1)~~ for purposes of the following statutes, an individual who has
 9 a physical or mental disability and meets the program eligibility
 10 requirements of the division of disability, aging, and rehabilitative
 11 services:

12 (A) IC 12-8-1-11.

13 (B) IC 12-12-1.

14 (C) IC 12-12-6.

15 ~~(2)~~ For purposes of ~~IC 12-11-5~~, the meaning set forth in
 16 ~~IC 12-11-5-1~~.

17 SECTION 19. IC 12-7-2-158 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 158. "Recipient" means
 19 the following:

20 (1) For purposes of the following statutes, a person who has
 21 received or is receiving assistance for the person or another
 22 person under any of the following statutes:

23 (A) IC 12-10-6.

24 ~~(B)~~ ~~IC 12-11-4~~.

25 ~~(C)~~ (B) IC 12-13.

26 ~~(D)~~ (C) IC 12-14.

27 ~~(E)~~ (D) IC 12-15.

28 ~~(F)~~ (E) IC 12-17-1.

29 ~~(G)~~ (F) IC 12-17-2.

30 ~~(H)~~ (G) IC 12-17-3.

31 ~~(I)~~ (H) IC 12-17-9.

32 ~~(J)~~ (I) IC 12-17-10.

33 ~~(K)~~ (J) IC 12-17-11.

34 ~~(L)~~ (K) IC 12-19.

35 (2) For purposes of IC 12-20-10 and IC 12-20-11:

36 (A) a single individual receiving poor relief; or

37 (B) if poor relief is received by a household with at least two

38 (2) individuals, the member of the household most suited to
 39 perform available work.

40 SECTION 20. IC 12-7-2-160 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 160. (a)
 42 "Rehabilitation", for purposes of the statutes listed in subsection (b),



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1 means a process of providing services to meet the current and future
 2 needs of persons with disabilities so that the individuals may prepare
 3 for and engage in gainful employment to the extent of their capabilities,
 4 as provided in 29 U.S.C. 720.

5 (b) This section applies to the following statutes:

6 (1) IC 12-8-1-11.

7 ~~(2) IC 12-11-5.~~

8 ~~(3) (2) IC 12-12-1.~~

9 ~~(4) (3) IC 12-12-3.~~

10 ~~(5) (4) IC 12-12-6.~~

11 SECTION 21. IC 12-7-2-166 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 166. "Residential
 13 facility for the developmentally disabled", for purposes of IC 12-28-4
 14 and IC 12-28-5, means a facility that provides residential services for
 15 developmentally disabled individuals in a program described in
 16 ~~IC 12-11-1-1.~~ **IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2).**

17 SECTION 22. IC 12-7-2-168 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 168. "Respite care"
 19 means the following:

20 (1) For purposes of IC 12-10-4 and IC 12-10-5, temporary care or
 21 supervision of an individual with Alzheimer's disease or a related
 22 senile dementia that is provided because the individual's family
 23 or caretaker is temporarily unable or unavailable to provide
 24 needed care.

25 (2) ~~For purposes of IC 12-11-3, the meaning set forth in~~
 26 ~~IC 12-11-3-1.~~

27 ~~(3) For purposes of IC 12-22-1, the meaning set forth in~~
 28 ~~IC 12-22-1-1.~~

29 SECTION 23. IC 12-7-2-182 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 182. "State
 31 developmental center", for purposes of ~~IC 12-11-3, has the meaning set~~
 32 ~~forth IC 12-11-2.1, refers to an institution listed in IC 12-11-3-2.~~
 33 **IC 12-24-1-1.**

34 SECTION 24. IC 12-7-2-184 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 184. (a) "State
 36 institution" means an institution:

37 (1) owned or operated by the state;

38 (2) for the observation, care, treatment, or detention of an
 39 individual; and

40 (3) under the administrative control of a division.

41 (b) The term includes the following:

42 (1) Central State Hospital.



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- 1 (2) Evansville State Hospital.
- 2 (3) Evansville State Psychiatric Treatment Center for Children.
- 3 (4) Fort Wayne State Developmental Center.
- 4 (5) Larue D. Carter Memorial Hospital.
- 5 (6) Logansport State Hospital.
- 6 (7) Madison State Hospital.
- 7 (8) Muscatatuck State Developmental Center.
- 8 ~~(9) New Castle State Developmental Center.~~
- 9 ~~(10) Northern Indiana State Developmental Center.~~
- 10 ~~(H)~~ **(9)** Richmond State Hospital.

11 SECTION 25. IC 12-7-2-188.5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 188.5. "Supervised
 13 group living facility for the developmentally disabled", for purposes of
 14 IC 12-28-4 and IC 12-28-5, refers to a supervised group living facility
 15 for developmentally disabled individuals in a program described in
 16 ~~IC 12-11-1-1(b)(1)~~; **IC 12-11-1.1-1(e)(1)**.

17 SECTION 26. IC 12-8-14 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 1999]:

20 **Chapter 14. Family Support Program**

21 **Sec. 1. The family support program is established to develop a**
 22 **family support policy state plan for the support of families of**
 23 **persons with disabilities and for persons with disabilities, including**
 24 **children with special health care needs or emotional disorders. The**
 25 **objectives of the family support program include the following:**

- 26 (1) Assist families to care for persons with disabilities in the
- 27 persons' own homes.
- 28 (2) Assist persons with disabilities to make decisions for
- 29 themselves.
- 30 (3) Allow a person with a disability to live separately from the
- 31 person's family, if the person with a disability so chooses.

32 **Sec. 2. The family support policy state plan must do the**
 33 **following:**

- 34 (1) Focus on the family and the community of the person with
- 35 a disability, including the parents of the person with a
- 36 disability.
- 37 (2) Encourage a partnership among families, consumers, and
- 38 professionals in the development of an individual family
- 39 support service plan that begins within a reasonable time and
- 40 that is periodically reviewed.
- 41 (3) Promote the participation of families of persons with
- 42 disabilities in local step ahead councils.



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(4) Foster the involvement of families and persons with disabilities in decision making, needs assessment, and providing services.

(5) Provide for the establishment of a systematic process for admission to participation in the family support program and other programs that help individuals and families identify and satisfy their health, education, social service, and other needs and choices.

(6) Encourage program flexibility as unique family needs change and provide flexible program funding for alternative choices.

(7) Examine funding mechanisms, including sliding fee scales and annual budgeting processes for the delivery of services.

(8) Promote a system of funding for family support services that follows the person receiving the services.

(9) Encourage interagency collaboration among different agencies and programs at the community level, with coordination and review by the office of the secretary of family and social services to ensure statewide coverage.

(10) Provide for the establishment of information and referral systems to determine gaps in services in the state and to develop a resource network that includes the public and private sectors.

(11) Encourage outreach to inform families and consumers of services and public and private agencies about the family support program. The outreach includes publishing a brochure listing service options and defining family rights.

(12) Promote training of personnel providing individualized support services and training of families and consumers on consumer empowerment and service availability.

(13) Promote a community centered approach to include the following:

- (A) Available services.**
- (B) Public and private sector resources.**
- (C) Governmental agencies.**
- (D) Public and private agencies providing family support services.**

(14) Promote integration of a person with a disability into the community.

Sec. 3. (a) The secretary of family and social services shall administer the family support program to produce a state plan, based on limits of appropriations, to promote the statewide

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availability of services.

(b) The state plan required by subsection (a) must include the following objectives:

- (1) Implementing a fair, swift, and convenient process for determination of family eligibility.
- (2) Assuring that all organizations implementing individualized support services will incorporate a family focus in providing family support programs.
- (3) Using existing local organizations as the single point of entry for families seeking services.
- (4) Using existing public and private local organizations, including the county step ahead councils, parent advisory groups, and natural and informal networks of family and friends, to carry out the daily operations of the family support program.
- (5) Providing a method for contracting with agencies, grantees, or vendors to provide individualized support services, especially in regions of Indiana that are inadequately served.
- (6) Developing a method for providing technical assistance to agencies and organizations, including consumer groups, that are developing or offering individualized support services to assure the coordination of publicly funded programs and generic services and to assure that other publicly funded programs and agencies are not supplanted.
- (7) Using available state, regional, and local media to support outreach to families.
- (8) Providing due process hearings on eligibility and other decisions affecting services.
- (9) Exploring sources of and opportunities for federal participation in and funding of services for families of persons with disabilities and persons with disabilities.
- (10) Giving priority to programs preventing and ameliorating the impact of disabilities on families.

Sec. 4. The office of the secretary shall submit an annual report on the family support program to the governor and to the general assembly before July 1 of each year.

Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family and children, the division of disability, aging, and rehabilitative services, the division of mental health, the state department of health, the department of education, the department

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1 of workforce development, and the department of correction,
2 including case management and service coordination.

3 **Sec. 6. (a) The family support council is established. The family**
4 **support council consists of twelve (12) members. The governor**
5 **shall appoint the members of the family support council. A**
6 **member may be removed from the council by the governor and**
7 **serves at the governor's pleasure.**

8 (b) At least seven (7) of the members of the family support
9 council must be individuals who are eligible for family support
10 services.

11 (c) The family support council must include a representative of
12 the governor's planning council on people with disabilities.

13 (d) The family support council shall meet at least quarterly to
14 monitor the family support policy state plan.

15 (e) The family support council shall:

- 16 (1) communicate information and recommendations
- 17 concerning family support to the secretary; and
- 18 (2) assist in developing state policies and programs that have
- 19 an impact on individuals with disabilities and their families.

20 (f) The secretary shall designate personnel to assist the family
21 support council in performing the functions authorized by this
22 section.

23 **Sec. 7. The affirmative votes of a majority of the voting**
24 **members appointed to the family support council are required for**
25 **the family support council to take action on any measure.**

26 SECTION 27. IC 12-9-1-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The division consists
28 of the following bureaus:

- 29 (1) Disability determination bureaus required or permitted under
- 30 IC 12-9-6.
- 31 (2) The bureau of aging and in-home services established by
- 32 IC 12-10-1-1.
- 33 (3) The rehabilitation services bureau established by
- 34 IC 12-12-1-1.
- 35 (4) The bureau of developmental disabilities services established
- 36 by ~~IC 12-11-1-1~~. **IC 12-11-1.1-1.**

37 SECTION 28. IC 12-10-3-21 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. If an alleged
39 endangered adult does not or is unable to consent to the receipt of
40 protective services arranged by the division or the adult protective
41 services unit or withdraws consent previously given, the adult
42 protective services unit, **either directly or through the prosecuting**

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1 **attorney's office in the county in which the endangered adult**
2 **resides, may petition the court to require the alleged endangered**
3 **adult to receive protective services.** or Any person upon consent of
4 the adult protective services unit, may petition the court to require the
5 alleged endangered adult to receive protective services. The petition
6 must be under oath or affirmation and must include the following:

7 (1) The name, age, and residence of the alleged endangered adult
8 who is to receive protective services.

9 (2) The nature of the problem or reason for the filing of the
10 petition for protective order.

11 (3) The name and address of the petitioner and the name and
12 address of the person or organization that may be required to
13 complete the court ordered protective services. If the petitioner is
14 an organization, the petition must contain information concerning
15 the title and authority of the individual filing on behalf of that
16 organization.

17 (4) Certification that:
18 (A) notice of the petition has been given to the alleged
19 endangered adult, the alleged endangered adult's attorney, if
20 any, or the alleged endangered adult's next of kin or guardian,
21 if any; and

22 (B) section 21.5 of this chapter regarding notice to the alleged
23 endangered adult's next of kin has been complied with.
24 If notice has not been given, a description of the attempts to give
25 notice shall be given.

26 (5) The name and address of the individuals most closely related
27 by blood or marriage to the alleged endangered adult, if known.

28 (6) A description of the proposed protective services to be
29 provided.

30 (7) A statement that the adult protective services unit has been
31 notified and consented to the petition if the petitioner is not the
32 adult protective services unit.

33 SECTION 29. IC 12-10-3-28 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 28. (a) If:

35 (1) an alleged endangered adult does not or is unable to consent
36 to the receipt of protective services arranged by the division or the
37 adult protective services unit or withdraws consent previously
38 given; and

39 (2) the endangered adult is involved in a life threatening
40 emergency;

41 the adult protective services unit, **either directly or through the**
42 **prosecuting attorney's office of the county in which the alleged**

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1 **endangered adult resides**, may petition the superior or circuit court in
 2 the county where the alleged endangered adult resides for an
 3 emergency protective order.

4 (b) A petition for an emergency protective order must be under oath
 5 or affirmation and must include the following:

6 (1) The name, age, and residence of the endangered adult who is
 7 to receive emergency protective services.

8 (2) The nature of the problem and an allegation that a life
 9 threatening emergency exists.

10 (3) Evidence that immediate and irreparable injury will result if
 11 there is a delay in the provision of services.

12 (4) The name and address of the petitioner who is filing the
 13 petition and the name and address of the person or organization
 14 that may be required to complete the court ordered emergency
 15 protective services.

16 (5) Certification that:

17 (A) notice has been given to the alleged endangered adult, the
 18 alleged endangered adult's attorney, if any, or the alleged
 19 endangered adult's next of kin, if any; and

20 (B) section 21.5 of this chapter regarding notice to the alleged
 21 endangered adult's next of kin has been complied with.

22 If notice has not been given, a description of the attempts to give
 23 notice shall be given.

24 (6) A description of the emergency protective services to be
 25 provided.

26 (c) If, after the hearing of the petition, the court determines that the
 27 endangered adult should be required to receive emergency protective
 28 services, the court shall issue an emergency protective order if the court
 29 finds the following:

30 (1) The individual is an endangered adult.

31 (2) A life threatening emergency exists.

32 (3) The endangered adult is in need of the proposed emergency
 33 protective services.

34 The court may issue the order ex parte.

35 (d) An emergency protective order must stipulate the following:

36 (1) The objectives of the emergency protective order.

37 (2) The least restrictive emergency protective services necessary
 38 to attain the objectives of the emergency protective order that the
 39 endangered adult must receive.

40 (3) The duration during which the endangered adult must receive
 41 the emergency protective services.

42 (4) That the emergency protective services unit or other person

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designated by the court shall do the following:

(A) Provide or arrange for the provision of the emergency protective services ordered by the court.

(B) Petition the court to modify or terminate the emergency protective order if:

- (i) the emergency protective services ordered by the court have not been effective in attaining the objectives of the emergency protective order;
- (ii) the physical or mental health of the endangered adult is no longer in danger and the termination of the emergency protective order will not be likely to place the endangered adult's physical or mental health in danger; or
- (iii) the endangered adult has consented to receive the emergency protective services ordered by the court.

(e) The court may issue an order to:

- (1) enjoin a person from interfering with the delivery of services ordered by an emergency protective order issued under this section; or
- (2) direct a person to take actions to implement the delivery of services ordered by an emergency protective order issued under this section.

(f) An emergency protective order issued under this section may not remain in effect for longer than:

- (1) ten (10) days; or
- (2) thirty (30) days if the adult protective services unit shows the court that an extraordinary need exists that requires the order to remain in effect for not more than thirty (30) days.

(g) If at the expiration of an order the adult protective services unit determines that the endangered adult is in need of further protective services and that the endangered adult does not consent to the receipt of the services, a petition may be filed under section 21 of this chapter.

SECTION 30. IC 12-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual who:

- (1) is at least sixty-five (65) years of age, blind, or disabled; and
- (2) is a resident of a county home;

is eligible to receive assistance payments from the state if the individual would be eligible for assistance under the federal Supplemental Security Income program except for the fact that the individual is residing in a county home.

(b) The amount of nonmedical assistance to be paid on behalf of a resident in a county home must be based on the daily rate established

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1 by the division. The rate for facilities under this section and licensed
 2 under IC 16-28 may not exceed an upper rate limit established by a rule
 3 adopted by the division.

4 (c) The rate for facilities under this section but not licensed under
 5 IC 16-28 must be the lesser of:

6 (1) an upper rate limit established by a rule adopted by the
 7 division; or

8 (2) a reasonable and adequate rate to meet the costs, determined
 9 by generally accepted accounting principles, that are incurred by
 10 efficiently and economically operated facilities in order to provide
 11 care and services in conformity with quality and safety standards
 12 and applicable laws and rules.

13 (d) The recipient shall be paid or allowed to retain from the
 14 recipient's income a personal allowance in an amount to be established
 15 by the division. The amount:

16 (1) may be not less than twenty-eight dollars and fifty cents
 17 (\$28.50) and not more than thirty-five dollars (\$35) monthly;

18 (2) is exempt from income eligibility consideration by the
 19 division; and

20 (3) may be exclusively used by the recipient for personal needs.

21 (e) In addition to the amount that may be retained as a personal
 22 allowance under this section, an individual is allowed to retain an
 23 amount equal to the individual's state and local income tax liability.
 24 The amount that may be retained during a month may not exceed
 25 one-third (1/3) of the individual's state and local income tax liability for
 26 the calendar quarter in which the month occurs. This amount is exempt
 27 from income eligibility consideration by the division. The amount
 28 retained shall be used by the individual to pay state or local income
 29 taxes owed.

30 **(f) The personal allowance for one (1) month for an individual**
 31 **described in subsection (a) is the amount that an individual would**
 32 **be entitled to retain under subsection (d) plus an amount equal to**
 33 **one-half (1/2) of the remainder of:**

34 **(1) gross earned income for that month; minus**

35 **(2) the sum of:**

36 **(A) sixteen dollars (\$16); plus**

37 **(B) the amount withheld from the person's paycheck for**
 38 **that month for payment of state income tax, federal income**
 39 **tax, and the tax prescribed by the federal Insurance**
 40 **Contribution Act (26 U.S.C. 3101 et seq.); plus**

41 **(C) transportation expenses for that month; plus**

42 **(D) any mandatory expenses required by the employer as**



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1 **a condition of employment.**

2 ~~(f)~~ (g) The division of disability, aging, and rehabilitative services,
3 in cooperation with the state department of health taking into account
4 licensure requirements under IC 16-28, shall adopt rules under
5 IC 4-22-2 governing the reimbursement to facilities under this section.
6 The rules must be designed to determine the costs that must be incurred
7 by efficiently and economically operated facilities to provide room,
8 board, laundry, and other services, along with minimal administrative
9 direction to individuals who receive residential care in the facilities
10 under this section. A rule adopted under this subsection by:

11 (1) the division; or
12 (2) the state department of health;
13 must conform to the rules for residential care facilities that are licensed
14 under IC 16-28.

15 ~~(g)~~ (h) A rate established under this section may be appealed
16 according to the procedures under IC 4-21.5.

17 ~~(h)~~ (i) The division shall annually review each facility's rate using
18 the following:

19 (1) Generally accepted accounting principles.
20 (2) The costs incurred by efficiently and economically operated
21 facilities in order to provide care and services in conformity with
22 quality and safety standards and applicable laws and rules.

23 SECTION 31. IC 12-10-6-2 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An individual
25 who is incapable of residing in the individual's own home may apply
26 for residential care assistance under this section. The determination of
27 eligibility for residential care assistance is the responsibility of the
28 division. Except as provided in subsections (f) and (h), an individual is
29 eligible for residential care assistance if the division determines that the
30 individual:

31 (1) is a recipient of Medicaid or the federal Supplemental Security
32 Income program;
33 (2) is incapable of residing in the individual's own home because
34 of dementia, mental illness, or a physical disability;
35 (3) requires a degree of care less than that provided by a health
36 care facility licensed under IC 16-28; and
37 (4) can be adequately cared for in a residential care setting.

38 (b) Individuals suffering from mental retardation may not be
39 admitted to a home or facility that provides residential care under this
40 section.

41 (c) A service coordinator employed by the division may:

42 (1) evaluate a person seeking admission to a home or facility



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1 under subsection (a); or
 2 (2) evaluate a person who has been admitted to a home or facility
 3 under subsection (a), including a review of the existing
 4 evaluations in the person's record at the home or facility.

5 If the service coordinator determines the person evaluated under this
 6 subsection is mentally retarded, the service coordinator may
 7 recommend an alternative placement for the person.

8 (d) Except as provided in section 5 of this chapter, residential care
 9 consists of only room, board, and laundry, along with minimal
 10 administrative direction. State financial assistance may be provided for
 11 such care in a boarding or residential home of the applicant's choosing
 12 that is licensed under IC 16-28 or a Christian Science facility listed and
 13 certified by the Commission for Accreditation of Christian Science
 14 Nursing Organizations/Facilities, Inc., that meets certain life safety
 15 standards considered necessary by the state fire marshal. Payment for
 16 such care shall be made to the provider of the care according to
 17 division directives and supervision. The amount of nonmedical
 18 assistance to be paid on behalf of a recipient living in a boarding home,
 19 residential home, or Christian Science facility shall be based on the
 20 daily rate established by the division. The rate for facilities that are
 21 referred to in this section and licensed under IC 16-28 may not exceed
 22 an upper rate limit established by a rule adopted by the division. The
 23 recipient may retain from the recipient's income a personal allowance
 24 in an amount to be established by the division, but not less than
 25 twenty-eight dollars and fifty cents (\$28.50) or more than thirty-five
 26 dollars (\$35) monthly. This amount is exempt from income eligibility
 27 consideration by the division and may be exclusively used by the
 28 recipient for the recipient's personal needs. However, if the recipient's
 29 income is less than the amount of the personal allowance, the division
 30 shall pay to the recipient the difference between the amount of the
 31 personal allowance and the recipient's income. A reserve or an
 32 accumulated balance from such a source, together with other sources,
 33 may not be allowed to exceed the state's resource allowance allowed for
 34 adults eligible for state supplemental assistance or Medicaid as
 35 established by the rules of the office of Medicaid policy and planning.

36 (e) In addition to the amount that may be retained as a personal
 37 allowance under this section, an individual shall be allowed to retain
 38 an amount equal to the individual's state and local income tax liability.
 39 The amount that may be retained during a month may not exceed
 40 one-third (1/3) of the individual's state and local income tax liability for
 41 the calendar quarter in which that month occurs. This amount is
 42 exempt from income eligibility consideration by the division. The



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1 amount retained shall be used by the individual to pay any state or local
2 income taxes owed.

3 (f) The rate of payment to the provider shall be determined in
4 accordance with a prospective prenegotiated payment rate predicated
5 on a reasonable cost related basis, with a growth of profit factor, as
6 determined in accordance with generally accepted accounting
7 principles and methods, and written standards and criteria, as
8 established by the division. The division shall establish an
9 administrative appeal procedure to be followed if rate disagreement
10 occurs if the provider can demonstrate to the division the necessity of
11 costs in excess of the allowed or authorized fee for the specific
12 boarding or residential home. The amount may not exceed the
13 maximum established under subsection (d).

14 (g) The personal allowance for one (1) month for an individual
15 described in subsection (a) ~~whose employment is part of the~~
16 ~~individual's personal habilitation plan or who is working in a sheltered~~
17 ~~workshop or day activity center~~ is the amount that an individual would
18 be entitled to retain under subsection (d) plus an amount equal to
19 one-half (1/2) of the remainder of:

20 (1) gross earned income for that month; minus

21 (2) the sum of:

22 (A) sixteen dollars (\$16); plus

23 (B) the amount withheld from the person's paycheck for that
24 month for payment of state income tax, federal income tax,
25 and the tax prescribed by the federal Insurance Contribution
26 Act (26 U.S.C. 3101 et seq.); plus

27 (C) transportation expenses for that month; **plus**

28 **(D) any mandatory expenses required by the employer as**
29 **a condition of employment.**

30 (h) An individual who, before September 1, 1983, has been admitted
31 to a home or facility that provides residential care under this section is
32 eligible for residential care in the home or facility.

33 (i) The director of the division may contract with the division of
34 mental health or the division of disability, aging, and rehabilitative
35 services to purchase services for individuals suffering from mental
36 illness or a developmental disability by providing money to supplement
37 the appropriation for community residential care programs established
38 under IC 12-22-2 or community residential programs established under
39 ~~IC 12-11-1-1. IC 12-11-1-1.~~

40 (j) A person with a mental illness may not be placed in a Christian
41 Science facility listed and certified by the Commission for
42 Accreditation of Christian Science Nursing Organizations/Facilities,



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1 Inc., unless the facility is licensed under IC 16-28.

2 SECTION 32. IC 12-11-1.1 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 1999]:

5 **Chapter 1.1. Bureau of Developmental Disabilities Services;**
6 **Community Based Services**

7 **Sec. 1. (a) The bureau of developmental disabilities services is**
8 **established within the division.**

9 **(b) The bureau shall plan, coordinate, and administer the**
10 **provision of individualized, integrated community based services**
11 **for developmentally disabled individuals and their families, within**
12 **the limits of available resources. The planning and delivery of**
13 **services must be based on the developmentally disabled**
14 **individual's future plans rather than on traditional determinations**
15 **of eligibility for discrete services, with an emphasis on the**
16 **preferences of the developmentally disabled individual and that**
17 **individual's family.**

18 **(c) Services for developmentally disabled individuals must be**
19 **services that meet the following conditions:**

20 **(1) Are provided under public supervision.**

21 **(2) Are designed to meet the developmental needs of**
22 **developmentally disabled individuals.**

23 **(3) Meet all required state and federal standards.**

24 **(4) Are provided by qualified personnel.**

25 **(5) To the extent appropriate, are provided in home and**
26 **community based settings in which individuals without**
27 **disabilities participate.**

28 **(6) Are provided in conformity with a service plan developed**
29 **under IC 12-11-2.1-2.**

30 **(d) The bureau shall approve entities to provide community**
31 **based services and supports.**

32 **(e) The bureau shall approve and monitor community based**
33 **residential, habilitation, and vocational service providers that**
34 **provide alternatives to placement of developmentally disabled**
35 **individuals in state institutions and health facilities licensed under**
36 **IC 16-28 for developmentally disabled individuals. The services**
37 **must simulate, to the extent feasible, patterns and conditions of**
38 **everyday life that are as close as possible to normal. The**
39 **community based service categories include the following:**

40 **(1) Supervised group living programs, which serve at least**
41 **four (4) individuals and not more than eight (8) individuals,**
42 **are funded by Medicaid, and are licensed by the community**

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residential facilities council.

(2) Supported living service arrangements to meet the unique needs of individuals in integrated settings, which may serve not more than four (4) unrelated individuals in any one (1) setting. However, the head of the bureau shall waive this limitation for a setting that was in existence on June 30, 1999.

(3) Day habilitation and vocational services that are goal oriented and person focused to achieve the degree of independence possible in activities of daily living.

(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible.

(g) Community based services under subsection (e)(1) or (e)(2) must consider the needs of and provide choices and options for:

- (1) developmentally disabled individuals; and
- (2) families of developmentally disabled individuals.

(h) The bureau shall administer a system of service coordination to carry out this chapter.

Sec. 2. (a) Except as specified by the terms of the Medicaid program:

- (1) an individual who receives services under this chapter; and
- (2) the parents of the individual, if the individual is less than eighteen (18) years of age;

are liable for the cost of services and supports.

(b) The bureau shall make every effort to assure that individualized service plans developed for developmentally disabled individuals maximize the amount of Medicaid funding available to meet the needs of the individual.

(c) The bureau may provide reimbursement for services identified in an individual's individual service plan that are not eligible for Medicaid reimbursement and for which the individual does not have the resources to pay.

Sec. 3. The division may contract with:

- (1) community mental retardation and other developmental disabilities centers;
- (2) corporations; or
- (3) individuals;

that are approved by the division to provide the services described in this chapter.

Sec. 4. A developmentally disabled individual who is eligible for Medicaid remains eligible for Medicaid if transferred to

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1 community based services described in section 1(e) of this chapter.

2 **Sec. 5.** The bureau may continue the approved placement of a
3 developmentally disabled individual in a child caring institution
4 licensed under IC 12-17.4, a county home regulated by IC 12-30-3,
5 or a health facility licensed under IC 16-28 if:

6 (1) the individual was placed in the institution, home, or
7 facility before July 1, 1985; and

8 (2) the placement continues to be appropriate for the
9 individual, as determined by the bureau.

10 **Sec. 6.** An individual who has been diagnosed to be autistic may
11 not be excluded from services for developmentally disabled
12 individuals because the individual has autism.

13 **Sec. 7.** Subject to the availability of money, the division may
14 operate community residential facilities for developmentally
15 disabled individuals who are hard to place, if private providers
16 cannot be found to operate facilities for those individuals.
17 Placement of individuals in these facilities is governed by
18 IC 12-11-2.1.

19 **Sec. 8.** The budget agency shall annually:

20 (1) calculate; and

21 (2) report to the budget committee;

22 any savings realized from the transfer or discharge of individuals
23 with developmental disabilities from a state developmental center
24 to a community based resident setting.

25 **Sec. 9.** The director of the division may adopt rules under
26 IC 4-22-2 to carry out this chapter.

27 SECTION 33. IC 12-11-2.1 IS ADDED TO THE INDIANA CODE
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 1999]:

30 **Chapter 2.1. Service Coordination Services for Developmentally
31 Disabled Individuals**

32 **Sec. 1.** (a) The bureau shall determine whether or not an
33 individual is a developmentally disabled individual. For individuals
34 for whom there is not enough current information available to
35 make a determination of eligibility, the bureau shall use the results
36 of a diagnostic assessment in determining whether an individual is
37 a developmentally disabled individual. A diagnostic assessment
38 must include the following:

39 (1) Diagnostic information concerning the individual's
40 functioning level and medical and habilitation needs.

41 (2) All information necessary for the use of the office of
42 Medicaid policy and planning, the Indiana health facilities



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1 council, and the division.

2 (3) The use of all appropriate assessments conducted under
3 rules adopted under IC 16-28.

4 (b) An individual who is found not to be a developmentally
5 disabled individual may appeal the bureau's finding under
6 IC 4-21.5.

7 (c) If an individual is determined to be a developmentally
8 disabled individual, the office shall determine whether the
9 individual meets the appropriate federal level of care
10 requirements.

11 Sec. 2. The bureau shall, within the limits of available resources,
12 provide service coordination services to developmentally disabled
13 individuals. Service coordination services must include the
14 development of an individual service plan.

15 Sec. 3. All services provided to an individual must be provided
16 pursuant to the developmentally disabled individual's individual
17 service plan. To the extent that services described in section 1.1(e)
18 of this chapter are available and meet the individual's needs,
19 services provided to an individual shall be provided in the least
20 restrictive environment possible.

21 Sec. 4. The bureau shall serve as the placement authority for
22 developmentally disabled individuals under service plans
23 developed under this chapter, including all placements in a state
24 developmental center or an intermediate care facility.

25 Sec. 5. When authorizing services for a developmentally
26 disabled individual in a community based setting, the bureau shall
27 give equal consideration based on need between:

28 (1) individuals who resided with a family member, relative, or
29 guardian immediately before the community based residential
30 placement; and

31 (2) individuals being placed from:

32 (A) a state developmental center;

33 (B) an intermediate care facility; or

34 (C) a nursing facility.

35 Sec. 6. The bureau may not approve the initial placement of a
36 developmentally disabled individual in an intermediate care facility
37 for the mentally retarded serving more than eight (8) individuals
38 or a nursing facility unless:

39 (1) the individual has medical needs; and

40 (2) the placement is appropriate to the individual's needs.

41 If the placement is in a nursing facility, that placement must be
42 appropriate to an individual's needs based upon preadmission



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1 screening conducted under IC 12-10-12.

2 **Sec. 7. Before a developmentally disabled individual is:**

- 3 (1) discharged from a state institution; or
 4 (2) placed on outpatient status under IC 12-26-14 by a state
 5 institution;

6 the bureau shall develop a service plan for the individual under
 7 section 2 of this chapter.

8 **Sec. 8. If a developmentally disabled individual committed to a**
 9 **state developmental center is placed on outpatient status under**
 10 **IC 12-26-14, the bureau shall monitor the individual's compliance**
 11 **with the individual's service plan during the period that the**
 12 **individual is in outpatient status.**

13 **Sec. 9. The division of mental health and the division shall enter**
 14 **into a memorandum of understanding concerning referrals to the**
 15 **bureau of developmentally disabled individuals discharged from or**
 16 **on an outpatient status from a state institution operated by the**
 17 **division of mental health.**

18 **Sec. 10. The division shall require service coordination**
 19 **personnel and vocational counselors to coordinate their services.**

20 **Sec. 11. (a) An individual who is receiving services for**
 21 **developmentally disabled individuals funded by Medicaid and has**
 22 **been decertified by the office because the individual fails to meet**
 23 **appropriate federal level of care requirements must continue to**
 24 **receive the same services, unless an appropriate individual service**
 25 **plan has been developed outlining the services needed by the**
 26 **individual to live in the least restrictive environment.**

27 **(b) After available federal, local, and individual resources have**
 28 **been used, unencumbered state appropriations that are available,**
 29 **as determined by the budget director, must be used to implement**
 30 **plans developed under subsection (a).**

31 **Sec. 12. The director of the division may adopt rules under**
 32 **IC 4-22-2 to carry out this chapter.**

33 SECTION 34. IC 12-12-7-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As used in this
 35 section, "board" refers to the board of interpreter standards.

36 (b) The unit shall establish a board of interpreter standards.

37 (c) The unit and the board shall adopt rules under IC 4-22-2 creating
 38 standards **(including ethical standards and grievance procedures)**
 39 **for interpreters and an enforcement mechanism for the interpreter**
 40 **standards.**

41 (d) Funding for the board must come solely from the unit's existing
 42 budget.



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1 SECTION 35. IC 12-12-8 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 1999]:

4 **Chapter 8. Centers for Independent Living**

5 **Sec. 1. As used in this chapter, "center for independent living"**
 6 **means a consumer controlled, community based, cross-disability,**
 7 **nonresidential private nonprofit agency that:**

- 8 (1) **is designed and operated within a local community by**
 9 **individuals with disabilities; and**
 10 (2) **provides an array of independent living services.**

11 **Sec. 2. As used in this chapter, "consumer control" means, with**
 12 **respect to a center for independent living or an eligible agency, that**
 13 **the center or eligible agency vests power and authority in**
 14 **individuals with disabilities, including individuals who are or have**
 15 **been recipients of independent living services.**

16 **Sec. 3. As used in this chapter, "cross-disability" means, with**
 17 **respect to a center for independent living, that a center provides**
 18 **independent living services to individuals representing a range of**
 19 **significant disabilities and does not require the presence of one (1)**
 20 **or more specific significant disabilities before determining that an**
 21 **individual is eligible for independent living services.**

22 **Sec. 4. To be eligible to receive state funds, a center for**
 23 **independent living must meet the requirements for federal funding**
 24 **for a center for independent living under:**

- 25 (1) **29 U.S.C. 796; and**
 26 (2) **34 CFR Parts 364 through 366;**

27 **that are in effect January 1, 1995.**

28 SECTION 36. IC 12-13-2-3 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The director is
 30 responsible for the following:

- 31 (1) The appointment of state investigators or boards of review
 32 provided by law that are necessary to ensure a fair hearing to an
 33 applicant or a recipient. A fair hearing shall be granted at the
 34 request of an aggrieved person who desires a hearing. The
 35 division shall review cases upon the request of an applicant, a
 36 recipient, or an aggrieved person.
 37 (2) The adoption of all policies and rules for the division.
 38 (3) The administrative and executive duties and responsibilities
 39 of the division.
 40 (4) The establishment of salaries for the officers and employees
 41 of the division within the salary ranges of the pay plan adopted by
 42 the Indiana personnel advisory board and approved by the budget



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committee.
(5) The establishment of minimum standards of assistance for old age and dependent children recipients. A standard established under this subdivision must apply to all individuals in Indiana.
~~(6) The administrative control of and responsibility for state owned and operated children's facilities, including the Northern Indiana State Developmental Center:~~

SECTION 37. IC 12-15-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As used in this section, "facility" ~~has the meaning set forth in IC 12-11-1-12.~~ **refers to an intermediate care facility for the mentally retarded (ICF/MR) not operated by a state agency.**

(b) The rules adopted by the secretary may not establish eligibility criteria for Medicaid reimbursement for placement or services in a facility, including services provided under a Medicaid waiver, that are more restrictive than federal requirements for Medicaid reimbursement in a facility or under a Medicaid waiver.

(c) The office may not implement a policy that may not be adopted as a rule under subsection (b).

SECTION 38. IC 12-17-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The council consists of at least fifteen (15) but not more than twenty-five (25) members appointed by the governor as follows:

- (1) At least twenty percent (20%) of the members must be parents, including minority parents, of infants or toddlers with disabilities or children who are less than thirteen (13) years of age with disabilities who have knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one (1) of the members described in this subdivision must be a parent of an infant or toddler with a disability or a child with a disability who is less than seven (7) years of age.
- (2) At least twenty percent (20%) of the members must be public or private providers of early intervention services.
- (3) At least one (1) member must be a member of the general assembly.
- (4) Each of the state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families must be represented by at least one (1) member. The members described in this subdivision must have sufficient authority to engage in policy planning and implementation on behalf of the state agency the member represents.

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- 1 (5) At least one (1) member must be involved in personnel
- 2 preparation.
- 3 (6) At least one (1) member must represent a state educational
- 4 agency responsible for preschool services to children with
- 5 disabilities and must have sufficient authority to engage in policy
- 6 planning and implementation on behalf of the agency.
- 7 (7) At least one (1) member must represent the department of
- 8 insurance created under IC 27-1-1-1.
- 9 **(8) At least one (1) member must represent an agency or**
- 10 **program that is located in the state and is authorized to**
- 11 **participate in the Head Start program under 42 U.S.C. 9831**
- 12 **et seq.**
- 13 **(9) At least one (1) member must represent a state agency**
- 14 **responsible for child care.**

15 (b) To the extent possible, the governor shall ensure that the

16 membership of the council reasonably represents the population of

17 Indiana.

18 SECTION 39. IC 12-17-15-13 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The council shall

20 meet at least ~~four (4) times~~ **quarterly** each year.

21 SECTION 40. IC 12-24-1-1 IS AMENDED TO READ AS

22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The director of the

23 division of disability, aging, and rehabilitative services has

24 administrative control of and responsibility for the following state

25 institutions:

- 26 (1) Fort Wayne State Developmental Center.
- 27 (2) Muscatatuck State Developmental Center.
- 28 ~~(3) New Castle State Developmental Center.~~
- 29 ~~(4) Northern Indiana State Developmental Center.~~
- 30 ~~(5)~~ **(3)** Any other state owned or operated developmental center.

31 SECTION 41. IC 12-24-11-2 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This section

33 applies to an individual who has a primary diagnosis of developmental

34 disability.

35 (b) Action contemplated by a patient under this section includes

36 action by the patient's parent or guardian if the patient is not competent.

37 (c) If a patient is admitted to a state institution, the staff of the state

38 institution shall, before the patient is discharged, ask the patient

39 whether the patient's medical and treatment records may be sent to ~~the~~

40 **a** service coordinator employed by the division of disability, aging, and

41 rehabilitative services under ~~IC 12-11-2~~ **IC 12-11-2.1** so the service

42 coordinator may send the records to local agencies serving the needs

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1 of developmentally disabled individuals in the area in which the patient
2 will reside.

3 (d) If a patient agrees to release the records, the patient shall sign a
4 form permitting the state institution to release to a service coordinator
5 employed by the division of disability, aging, and rehabilitative
6 services under ~~IC 12-11-2~~ **IC 12-11-2.1** a copy of the patient's medical
7 and treatment records to forward to local agencies serving the needs of
8 developmentally disabled individuals in the area in which the patient
9 will reside. The form must read substantially as follows:

10 AUTHORIZATION TO RELEASE
11 MEDICAL AND TREATMENT
12 RECORDS

13 I agree to permit _____
14 (name of state institution)
15 to release a copy of the medical and treatment records of
16 _____ to _____
17 (patient's name) (name of local agency
18 serving the needs of
19 developmentally disabled
20 individuals)
21 _____
22 (date) (signature)
23 _____
24 (address)
25 _____
26 (signature of individual (relationship to patient if
27 securing release of signature is not that of the
28 medical and treatment patient)
29 records)

30 (e) If a patient knowingly signs the form for the release of medical
31 records under subsection (d), a service coordinator employed by the
32 division of disability, aging, and rehabilitative services under
33 ~~IC 12-11-2~~ **IC 12-11-2.1** shall allow local agencies serving the needs
34 of developmentally disabled individuals in the area in which the patient
35 will reside to obtain the following:

- 36 (1) The patient's name.
- 37 (2) The address of the patient's intended residence.
- 38 (3) The patient's medical records.
- 39 (4) A complete description of the treatment the patient was
40 receiving at the state institution at the time of the patient's
41 discharge.
- 42 (f) If the local agency does not obtain a patient's records, the state

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1 institution shall deliver the medical records to the local agency before
2 or at the time the patient is discharged.

3 (g) If a patient does not agree to permit the release of the patient's
4 medical and treatment records, the service coordinator shall deliver:

5 (1) the patient's name; and

6 (2) the address of the patient's intended residence;

7 to local agencies serving the needs of developmentally disabled
8 individuals in the area in which the patient will reside before or at the
9 time the patient is discharged.

10 SECTION 42. IC 12-24-12-10 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Upon admission
12 to a state institution administered by the division of mental health, the
13 gatekeeper is one (1) of the following:

14 (1) For an individual with a psychiatric disorder, the community
15 mental health center that submitted the report to the committing
16 court under IC 12-26.

17 (2) For an individual with a developmental disability, a division
18 of disability, aging, and rehabilitative services service coordinator
19 under ~~IC 12-11-2~~ **IC 12-11-2.1**.

20 (3) For an individual entering an addictions program, an
21 addictions treatment provider that is certified by the division of
22 mental health.

23 (b) The division is the gatekeeper for the following:

24 (1) An individual who is found to have insufficient
25 comprehension to stand trial under IC 35-36-3.

26 (2) An individual who is found to be not guilty by reason of
27 insanity under IC 35-36-2-4 and is subject to a civil commitment
28 under IC 12-26.

29 (3) An individual who is immediately subject to a civil
30 commitment upon the individual's release from incarceration in
31 a facility administered by the department of correction or the
32 Federal Bureau of Prisons, or upon being charged with or
33 convicted of a forcible felony under IC 35-41-1.

34 (4) An individual placed under the supervision of the division for
35 addictions treatment under IC 12-23-7 and IC 12-23-8.

36 (5) An individual transferred from the department of correction
37 under IC 11-10-4.

38 SECTION 43. IC 12-26-11-1 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The superintendent
40 of a facility to which an individual was committed under IC 12-26-6 or
41 IC 12-26-7 or to which the individual's commitment was transferred
42 under this chapter, may transfer the commitment of the individual to:



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- 1 (1) a state institution;
- 2 (2) a community mental health center;
- 3 (3) a community mental retardation and other developmental
- 4 disabilities center;
- 5 (4) a federal facility;
- 6 (5) a psychiatric unit of a hospital licensed under IC 16-21;
- 7 (6) a private psychiatric facility licensed under IC 12-25;
- 8 (7) a community residential program for the developmentally
- 9 disabled described in ~~IC 12-11-1~~; **IC 12-11-1.1-1(e)(1) or**
- 10 **IC 12-11-1.1-1(e)(2);** or
- 11 (8) an intermediate care facility for the mentally retarded
- 12 (ICF/MR) that is licensed under IC 16-28 and is not owned by the
- 13 state;

14 if the transfer is likely to be in the best interest of the individual or
15 other patients.

16 SECTION 44. IC 12-28-4-8 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A residential
18 facility for the developmentally disabled:

- 19 (1) for not more than eight (8) developmentally disabled
- 20 individuals; and
- 21 (2) established under a program authorized by ~~IC 12-11-1~~;
- 22 **IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2);**

23 is a permitted residential use that may not be disallowed by any zoning
24 ordinance (as defined in IC 36-7-1-22) in a zoning district or
25 classification that permits residential use.

26 (b) A zoning ordinance may only require a residential facility
27 described in subsection (a) to meet the same:

- 28 (1) zoning requirements;
- 29 (2) developmental standards; and
- 30 (3) building codes;

31 as other residential structures or improvements in the same residential
32 zoning district or classification.

33 SECTION 45. IC 12-28-5-2 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The community
35 residential facilities council is established. The council consists of the
36 following members appointed by the governor:

- 37 (1) One (1) professional possessing specialized training in the
- 38 field of human development.
- 39 (2) One (1) member of the professional staff of the division of
- 40 disability, aging, and rehabilitative services.
- 41 (3) One (1) member of the professional staff of the office of
- 42 Medicaid policy and planning.

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- 1 ~~(4)~~ ~~One (1) member of the professional staff of the state fire~~
 2 ~~marshal's office.~~
 3 ~~(5)~~ **(4)** One (1) member of the professional staff of the state
 4 department of health.
 5 ~~(6)~~ **(5)** One (1) individual possessing a special interest in
 6 developmentally disabled individuals.
 7 ~~(7)~~ **(6)** One (1) individual possessing a special interest in mentally
 8 ill individuals.
 9 ~~(8)~~ **(7)** One (1) individual who is the chief executive officer of a
 10 facility providing both day services and residential services for
 11 developmentally disabled individuals.
 12 ~~(9)~~ **(8)** One (1) individual who is the chief executive officer of a
 13 facility providing residential services only for developmentally
 14 disabled individuals.

- 15 ~~(10)~~ **(9)** Two (2) members of the public.
 16 (b) Except for the members designated by subsection ~~(a)(8)~~ **(a)(7)**
 17 and ~~(a)(9)~~; **(a)(8)**, a member of the council may not have an indirect or
 18 a direct financial interest in a residential facility for the
 19 developmentally disabled.

20 SECTION 46. IC 16-29-4-2 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) As used in this
 22 chapter, "ICF/MR" refers to an intermediate care facility for the
 23 mentally retarded.

24 (b) The term does not include a facility administered under
 25 ~~IC 12-11-2~~ **IC 12-11-1.1** or IC 12-22-2.

26 SECTION 47. IC 16-29-4-3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The Indiana health
 28 facilities council may recommend, before the conversion of existing
 29 health facility beds to ICF/MR beds or the construction of a new
 30 ICF/MR facility, that the state department issue a preliminary approval
 31 of the proposed project, but only if the council determines that there is
 32 an insufficient number of available beds to care for all the persons who
 33 are determined under ~~IC 12-11-2~~ **IC 12-11-2.1** to be appropriate for
 34 placement in an ICF/MR facility.

35 SECTION 48. IC 16-29-4-4 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A proposed project
 37 that receives preliminary approval under this chapter may not add more
 38 beds than the number determined by the Indiana health facilities
 39 council to be necessary to provide an available bed for each person
 40 determined under ~~IC 12-11-2~~ **IC 12-11-2.1** to be appropriate for
 41 placement in an ICF/MR facility. Upon completion of the proposed
 42 project and compliance with the other requirements for licensure under



1 IC 16-28, the state department shall issue a license to the facility.

2 SECTION 49. IC 20-1-6.1-1 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
4 chapter, "annual case review" means the meeting of the case
5 conference committee ~~required to be that is~~ conducted **annually** to
6 review and, ~~if necessary, if needed,~~ revise ~~the a student's~~
7 individualized education program. ~~for each student with disabilities.~~

8 SECTION 50. IC 20-1-6.1-2 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this
10 chapter, "case conference committee" means a group ~~comprised~~
11 **composed** of ~~school public agency~~ personnel, parents, **the student, if**
12 **appropriate**, and others at the discretion of the ~~school public agency~~
13 or the parent and under rules adopted by the board that meets to do any
14 of the following:

15 **(1) Determine a student's eligibility for special education and**
16 **related services.**

17 ~~(2)~~ **(2)** Develop, review, or revise ~~the a student's~~ individualized
18 education program. ~~of each student with disabilities.~~

19 ~~(2)~~ **(3)** Determine **an** appropriate educational placement for each
20 student. ~~with disabilities.~~

21 ~~(3)~~ Discuss any other necessary or appropriate action as the action
22 relates to the student with disabilities.

23 SECTION 51. IC 20-1-6.1-3.1 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) As used in this chapter,
26 "transition services" means a coordinated set of activities for a
27 student with a disability, designed within an outcome oriented
28 process, that promotes movement from the public agency to
29 postsecondary school activities, including postsecondary education,
30 vocational training, integrated employment (including supported
31 employment), continuing and adult education, adult services,
32 independent living, or community participation.

33 **(b) The coordinated set of activities described in subsection (a)**
34 **must:**

35 **(1) be based on the individual student's needs, taking into**
36 **account the student's preferences and interests; and**

37 **(2) include the following:**

38 **(A) Instruction.**

39 **(B) Related services.**

40 **(C) Community experiences.**

41 **(D) The development of employment and other**
42 **postsecondary school adult living objectives.**



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1 **(E) Where appropriate, acquisition of daily living skills**
 2 **and a functional vocational evaluation.**

3 SECTION 52. IC 20-1-6.1-3.2 IS ADDED TO THE INDIANA
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 1999]: **Sec. 3.2. As used in this chapter,**
 6 **"public agency" means a public or private entity that has direct or**
 7 **delegated authority to provide special education and related**
 8 **services, including the following:**

9 **(1) Public school corporations that operate programs**
 10 **individually or cooperatively with other school corporations.**

11 **(2) Community agencies operated or supported by the office**
 12 **of the secretary of family and social services, state**
 13 **developmental centers operated by the division of disability,**
 14 **aging, and rehabilitative services, and state hospitals operated**
 15 **by the division of mental health.**

16 **(3) State schools and programs operated by the state**
 17 **department of health.**

18 **(4) Programs operated by the department of correction.**

19 **(5) Private schools and facilities that serve students referred**
 20 **or placed by a public school corporation, the division of**
 21 **special education, the division of family and children, or other**
 22 **public entity.**

23 SECTION 53. IC 20-1-6.1-5 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5. As used in this**
 25 **chapter, "ongoing "adult services" refers to services offered after a**
 26 **student with disabilities exits the special education program that are**
 27 **provided by public agencies and other organizations to facilitate**
 28 **student movement from the public agency to adult life and provide**
 29 **services to enhance adult life. The term includes services provided**
 30 **by a vocational rehabilitation services program, the department of**
 31 **workforce development, the Social Security Administration, the**
 32 **bureau of developmental disabilities services, a community mental**
 33 **health center, a community rehabilitation program, and an area**
 34 **agency on aging.**

35 SECTION 54. IC 20-1-6.1-6 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6. As used in this**
 37 **chapter, "special education planning district" means the public school**
 38 **administrative unit responsible for providing special education and**
 39 **related services in a specified geographic area. The term includes one**
 40 **(1) public school corporation or more than one (1) public school**
 41 **corporation operating that operates under an approved joint or**
 42 **cooperative a written agreement.**



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1 SECTION 55. IC 20-1-6.1-13 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The
 3 ~~rehabilitation services bureau, the bureau providing services to~~
 4 ~~individuals who are developmentally disabled, and division of~~
 5 **disability, aging, and rehabilitative services**, the division of mental
 6 health, **and the department of workforce development** shall provide
 7 each school corporation with written material describing the ~~ongoing~~
 8 adult services available to students ~~with disabilities~~ and the procedures
 9 to be used to access those services.

10 (b) The material shall be provided in sufficient numbers to allow
 11 each student and, if the student's family is involved, each student's
 12 family to receive a copy at the annual case review ~~described in section~~
 13 ~~8 of this chapter or as authorized under section 12 of this chapter.~~ **if the**
 14 **purpose of the meeting is to discuss transition services.**

15 SECTION 56. IC 20-1-6.1-17 IS ADDED TO THE INDIANA
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 1999]: **Sec. 17. The case conference**
 18 **committee shall review, based on areas addressed in the statement**
 19 **of transition services, the available adult services provided through**
 20 **state and local agencies and present information on those services**
 21 **in writing to the student and the parent.**

22 SECTION 57. IC 20-1-6.1-18 IS ADDED TO THE INDIANA
 23 CODE AS A NEW SECTION TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 1999]: **Sec. 18. (a) Upon obtaining**
 25 **authorization to disclose confidential information, the public**
 26 **agency and the vocational rehabilitation counselor shall confer at**
 27 **least one (1) time per year to review transition age students.**

28 (b) If the public agency and the vocational rehabilitation
 29 counselor believe a student may be eligible for and benefit from
 30 vocational rehabilitation services, the public agency shall do the
 31 following:

32 (1) Provide adequate notice to the vocational rehabilitation
 33 counselor regarding the annual case review to be conducted
 34 during the school year before the student's projected final
 35 year of school. The notification to the vocational
 36 rehabilitation counselor must include the name, address, age,
 37 and reported disability of the student for whom the annual
 38 case review is being conducted.

39 (2) At the annual case review, verbally advise and provide
 40 written materials to the student and the parent that describe
 41 the array of vocational rehabilitation services that may be
 42 available and the process to access those services.



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1 (c) The vocational rehabilitation counselor shall do the
2 following:

3 (1) Attempt to attend the annual case review for which the
4 counselor has been notified under subsection (b)(1).

5 (2) Determine with the student and family when an
6 application for vocational rehabilitation services will be
7 completed and eligibility determined. However, the
8 application must be completed not later than the beginning of
9 the last semester of the student's last year of receiving services
10 by the public agency.

11 (3) If the student has been determined eligible for vocational
12 rehabilitation services, complete the individual plan for
13 employment (IPE) before the student's exit from the public
14 agency.

15 (4) Provide written information and be available on a
16 consultative basis to public agency personnel, students, and
17 families to assist in identifying appropriate transition services.

18 (5) Perform the duties of advocate and consultant to the
19 student and, where appropriate, to the student's family.

20 (6) Promote communication with the student and family by
21 attending appropriate student activities, including, upon
22 invitation, case conferences, career days, family and student
23 forums, and other consultative services on behalf of the
24 student.

25 SECTION 58. IC 20-1-6.1-19 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) The division of special
28 education shall monitor public agency compliance with the
29 requirements of this chapter as part of the division's ongoing
30 program monitoring responsibilities.

31 (b) The division of disability, aging, and rehabilitative services
32 shall monitor vocational rehabilitation services' compliance with
33 the requirements of this chapter.

34 (c) The division of special education and the division of
35 disability, aging, and rehabilitative services shall confer, at least
36 annually, to review compliance with the requirements of this
37 chapter and to ensure that students with disabilities are receiving
38 appropriate and timely access to services.

39 SECTION 59. THE FOLLOWING ARE REPEALED [EFFECTIVE
40 JULY 1, 1999]: IC 12-7-2-47; IC 12-7-2-49; IC 12-7-2-50;
41 IC 12-7-2-63; IC 12-7-2-117.2; IC 12-7-2-132; IC 12-11-1; IC 12-11-2;
42 IC 12-11-3; IC 12-11-4; IC 12-11-5; IC 12-11-6-3; IC 12-11-10;



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1 IC 12-11-11.1; IC 12-11-12; IC 12-13-11; IC 20-1-6.1-3; IC 20-1-6.1-4;
 2 IC 20-1-6.1-8; IC 20-1-6.1-9; IC 20-1-6.1-10; IC 20-1-6.1-11;
 3 IC 20-1-6.1-12; IC 20-1-6.1-14; IC 20-1-6.1-15; IC 20-1-6.1-16.

4 SECTION 60. P.L.245-1997, SECTION 2, IS AMENDED TO
 5 READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: (a) As used in
 6 this SECTION, "commission" refers to the Indiana commission on
 7 mental retardation and developmental disabilities established by this
 8 SECTION.

9 (b) The Indiana commission on mental retardation and
 10 developmental disabilities is established.

11 (c) The commission consists of the following members:

12 (1) Two (2) members of the house of representatives appointed by
 13 the speaker of the house of representatives. The members
 14 appointed under this subdivision may not be members of the same
 15 political party.

16 (2) Two (2) members of the senate appointed by the president pro
 17 tempore of the senate. The members appointed under this
 18 subdivision may not be members of the same political party.

19 (3) Three (3) members at large appointed by the governor. Not
 20 more than two (2) members appointed under this subdivision may
 21 be members of the same political party.

22 (4) One (1) member appointed by the governor who is a consumer
 23 of mental retardation/developmental disability services.

24 (5) One (1) member appointed by the governor who is a
 25 representative of advocacy groups for consumers of mental
 26 retardation and developmental disability services.

27 (6) Two (2) members appointed by the governor who are
 28 representatives of families of consumers of mental retardation and
 29 developmental disability services.

30 (7) One (1) member appointed by the governor who is a
 31 representative of organizations providing services to individuals
 32 with mental retardation and developmental disabilities.

33 The governor shall make appointments required by subdivisions (3)
 34 through (7) before May 16, 1994.

35 (d) The chairman of the legislative council shall designate a
 36 legislative member of the commission to serve as chairman of the
 37 commission.

38 (e) Each legislative member and each lay member of the
 39 commission is entitled to receive the same per diem, mileage, and
 40 travel allowances paid to individuals serving as legislative and lay
 41 members, respectively, on interim study committees established by the
 42 legislative council.



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- 1 (f) The commission shall do the following:
- 2 (1) Develop a long range plan to stimulate further development of
- 3 cost effective, innovative models of community based services,
- 4 including recommendations that identify implementation
- 5 schedules, plans for resource development, and appropriate
- 6 regulatory changes.
- 7 (2) Review and make recommendations regarding any unmet need
- 8 for mental retardation and developmental disability services,
- 9 including the following:
- 10 (A) Community residential and family support services.
- 11 (B) Services for aging families caring for adult mentally
- 12 retarded and developmentally disabled children.
- 13 (C) Services for families in emergency or crisis situations.
- 14 (D) Services needed to move children and adults from nursing
- 15 homes and state hospitals to the community.
- 16 (3) Study and make recommendations for the state to contract
- 17 with a private entity to manage and implement home and
- 18 community based services waivers under 42 U.S.C. 1396n(c).
- 19 (4) Study and make recommendations regarding state funding
- 20 needed to provide supplemental room and board costs for
- 21 individuals who otherwise qualify for residential services under
- 22 the home and community based services waivers.
- 23 (5) Monitor and recommend changes for improvements in the
- 24 implementation of home and community based services waivers
- 25 managed by the state or by a private entity.
- 26 **(6) Review and make recommendations regarding the**
- 27 **implementation of the comprehensive plan prepared by the**
- 28 **developmental disabilities task force (P.L. 245-1997,**
- 29 **SECTION 1).**
- 30 **(7) Review and make recommendations regarding the**
- 31 **development by the division of disability, aging, and**
- 32 **rehabilitative services of a statewide plan to address quality**
- 33 **assurance in community-based services.**
- 34 (g) The commission shall submit its findings and initial
- 35 recommendations to the governor and the general assembly before
- 36 December 1 of each year.
- 37 (h) This SECTION expires January 1, ~~2001~~: **2005**.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 606, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 9, line 10, delete "IC 12-11-2.1" and insert "**IC 12-11-1.1**".

Page 12, line 30, delete "IC 12-11-1.1" and insert "**IC 12-11-1.1-1**".

Page 19, line 17, after "directly" insert "**or**".

Page 22, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 29. IC 12-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) An individual who:

- (1) is at least sixty-five (65) years of age, blind, or disabled; and
- (2) is a resident of a county home;

is eligible to receive assistance payments from the state if the individual would be eligible for assistance under the federal Supplemental Security Income program except for the fact that the individual is residing in a county home.

(b) The amount of nonmedical assistance to be paid on behalf of a resident in a county home must be based on the daily rate established by the division. The rate for facilities under this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division.

(c) The rate for facilities under this section but not licensed under IC 16-28 must be the lesser of:

- (1) an upper rate limit established by a rule adopted by the division; or
- (2) a reasonable and adequate rate to meet the costs, determined by generally accepted accounting principles, that are incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

(d) The recipient shall be paid or allowed to retain from the recipient's income a personal allowance in an amount to be established by the division. The amount:

- (1) may be not less than twenty-eight dollars and fifty cents (\$28.50) and not more than thirty-five dollars (\$35) monthly;
- (2) is exempt from income eligibility consideration by the division; and
- (3) may be exclusively used by the recipient for personal needs.

(e) In addition to the amount that may be retained as a personal

ES 606—LS 8080/DI 77+



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allowance under this section, an individual is allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which the month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay state or local income taxes owed.

(f) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for that month; minus**
- (2) the sum of:**
 - (A) sixteen dollars (\$16); plus**
 - (B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus**
 - (C) transportation expenses for that month; plus**
 - (D) any mandatory expenses required by the employer as a condition of employment.**

~~(f)~~ **(g)** The division of disability, aging, and rehabilitative services, in cooperation with the state department of health taking into account licensure requirements under IC 16-28, shall adopt rules under IC 4-22-2 governing the reimbursement to facilities under this section. The rules must be designed to determine the costs that must be incurred by efficiently and economically operated facilities to provide room, board, laundry, and other services, along with minimal administrative direction to individuals who receive residential care in the facilities under this section. A rule adopted under this subsection by:

- (1) the division; or
- (2) the state department of health;

must conform to the rules for residential care facilities that are licensed under IC 16-28.

~~(g)~~ **(h)** A rate established under this section may be appealed according to the procedures under IC 4-21.5.

~~(h)~~ **(i)** The division shall annually review each facility's rate using the following:

- (1) Generally accepted accounting principles.
- (2) The costs incurred by efficiently and economically operated facilities in order to provide care and services in conformity with



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quality and safety standards and applicable laws and rules."

Page 23, line 41, strike "whose employment is part of the".

Page 23, strike line 42.

Page 24, line 1, strike "workshop or day activity center".

Page 24, line 11, delete "." and insert "; **plus**

(D) any mandatory expenses required by the employer as a condition of employment."

Page 25, line 7, delete "natural".

Page 25, line 8, delete "environments, including".

Page 25, line 11, delete "IC 12-11-2.1-1(a)(2)" and insert "**IC 12-11-2.1-2**".

Page 25, line 19, delete "natural or homelike".

Page 25, line 20, delete "atmospheres with".

Page 25, line 29, after "(4)" insert "**unrelated**".

Page 25, line 30, delete "may" and insert "**shall**".

Page 25, line 32, delete "provided in, to the" and insert "**that are**".

Page 25, delete line 33.

Page 25, line 34, delete "services must be".

Page 25, between lines 36 and 37, begin a new paragraph and insert:

"(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible."

Page 25, line 37, delete "(f)" and insert "**(g)**".

Page 25, line 41, delete "(g)" and insert "**(h)**".

Page 26, after line 42, begin a new paragraph and insert:

"Sec. 8. The budget agency shall annually:

(1) calculate; and

(2) report to the budget committee;

any savings realized from the transfer or discharge of individuals with developmental disabilities from a state developmental center to a community based resident setting."

Page 27, line 1, delete "8" and insert "9".

Page 27, between lines 7 and 8, begin a new paragraph and insert:

"Sec. 1. (a) The bureau shall determine whether or not an individual is a developmentally disabled individual. For individuals for whom there is not enough current information available to make a determination of eligibility, the bureau shall use the results of a diagnostic assessment in determining whether an individual is a developmentally disabled individual. A diagnostic assessment must include the following:

(1) Diagnostic information concerning the individual's functioning level and medical and habilitation needs.



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(2) All information necessary for the use of the office of Medicaid policy and planning, the Indiana health facilities council, and the division.

(3) The use of all appropriate assessments conducted under rules adopted under IC 16-28.

(b) An individual who is found not to be a developmentally disabled individual may appeal the bureau's finding under IC 4-21.5.

(c) If an individual is determined to be a developmentally disabled individual, the office shall determine whether the individual meets the appropriate federal level of care requirements."

Page 27, line 8, delete "1. (a)" and insert "2".

Page 27, line 8, after "shall" insert ", within the limits of available resources,".

Page 27, line 10, delete "consists of the following functions:" and insert "services must include the development of an individual service plan.".

Page 27, delete lines 11 through 20.

Page 27, line 21, delete "(b)" and insert "Sec. 3.".

Page 27, line 22, after "the" insert "developmentally disabled".

Page 27, line 22, after "individual's" insert "individual".

Page 27, line 22, delete "and individualized budget." and insert ". To the extent that services described in section 1.1(e) of this chapter are available and meet the individual's needs, services provided to an individual shall be provided in the least restrictive environment possible.".

Page 27, line 23, delete "(c)" and insert "Sec. 4.".

Page 27, line 24, after "individuals" insert "under service plans developed under this chapter, including all placements in a state developmental center or an intermediate care facility".

Page 27, line 24, delete "Staff employed by the".

Page 27, delete lines 25 through 28.

Page 27, line 29, delete "(d)" and insert "Sec. 5.".

Page 27, delete lines 39 through 42.

Page 28, delete lines 1 through 17.

Page 28, line 18, delete "3." and insert "6.".

Page 28, line 26, after "screening" insert "conducted under IC 12-10-12".

Page 28, between lines 26 and 27, begin a new paragraph and insert: "Sec. 7. Before a developmentally disabled individual is:

(1) discharged from a state institution; or



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**(2) placed on outpatient status under IC 12-26-14 by a state institution;
the bureau shall develop a service plan for the individual under section 2 of this chapter."**

Page 28, line 27, delete "4." and insert "**8.**".

Page 28, line 30, delete "individualized program" and insert "**service**".

Page 28, line 32, delete "5." and insert "**9.**".

Page 28, line 37, delete "6." and insert "**10.**".

Page 28, line 39, delete "7." and insert "**11.**".

Page 29, line 8, delete "8." and insert "**12.**".

Page 36, line 2, delete "IC 12-11-2.1" and insert "**IC 12-11-1.1**".

Page 38, line 2, strike "offered after a".

Page 38, line 3, strike "student with disabilities exits the special education program".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 606 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Gard be added as coauthor of Senate Bill 606.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred Senate Bill 606, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 5. IC 5-20-1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.5. (a) As used in this section, "person with a disability" means a person who, by reason of physical, mental, or emotional defect or infirmity, whether congenital or acquired by accident, injury, or disease, is totally or partially prevented from achieving the fullest attainable physical, social, economic, mental, and vocational participation in the normal process of living.

(b) As used in this section, "qualified building" means a building:

- (1) that is used or will be used **primarily** to provide residential housing for persons with disabilities; and
- (2) for which a taxpayer is eligible to claim a low income housing credit under 26 U.S.C. 42.

(c) Subject to subsection (d), the authority shall allocate to qualified buildings at least ten percent (10%) of the total dollar amount of federal low income housing credits allocated to the authority under 26 U.S.C. 42. **The authority shall allocate credits under this section based on the proportionate amount of a qualified building that is used to provide residential housing for persons with disabilities, as determined by the authority.**

(d) The authority shall hold available the allocation made under subsection (c) for qualified buildings through October 31 of each calendar year. Beginning November 1 of each calendar year, any part of the allocation that remains unassigned shall be available for any appropriate use under 26 U.S.C. 42."

Page 42, after line 20, begin a new paragraph and insert:

"SECTION 59. P.L.245-1997, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: (a) As used in this SECTION, "commission" refers to the Indiana commission on mental retardation and developmental disabilities established by this SECTION.

(b) The Indiana commission on mental retardation and developmental disabilities is established.

(c) The commission consists of the following members:

- (1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. The members

ES 606—LS 8080/DI 77+



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appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.

(3) Three (3) members at large appointed by the governor. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(4) One (1) member appointed by the governor who is a consumer of mental retardation/developmental disability services.

(5) One (1) member appointed by the governor who is a representative of advocacy groups for consumers of mental retardation and developmental disability services.

(6) Two (2) members appointed by the governor who are representatives of families of consumers of mental retardation and developmental disability services.

(7) One (1) member appointed by the governor who is a representative of organizations providing services to individuals with mental retardation and developmental disabilities.

The governor shall make appointments required by subdivisions (3) through (7) before May 16, 1994.

(d) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(e) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(f) The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet need for mental retardation and developmental disability services, including the following:

(A) Community residential and family support services.

(B) Services for aging families caring for adult mentally retarded and developmentally disabled children.

(C) Services for families in emergency or crisis situations.



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(D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force (P.L. 245-1997, SECTION 1).

(7) Review and make recommendations regarding the development by the division of disability, aging, and rehabilitative services of a statewide plan to address quality assurance in community-based services.

(g) The commission shall submit its findings and initial recommendations to the governor and the general assembly before December 1 of each year.

(h) This SECTION expires January 1, ~~2001~~ **2005**."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 606 as printed February 12, 1999.)

SUMMERS, Chair

Committee Vote: yeas 11, nays 0.

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