

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

**MR. SPEAKER:**

I move that Engrossed Senate Bill 260 be recommitted to a Committee of One, Representative Budak, with specific instructions to amend as follows:

- 1           Page 25, between lines 10 and 11, begin a new paragraph and
- 2           insert:
- 3           "SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA
- 4           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5           [EFFECTIVE JULY 1, 1999]: **Sec. 180.2. "Special needs foster**
- 6           **family home", for purposes of IC 12-17.4, means a foster family**
- 7           **home:**
- 8           (1) that provides care for a child who:
- 9                (A) has a mental, physical, or emotional disability; and
- 10               (B) will require additional supervision or assistance in
- 11               behavior management, activities of daily living, or
- 12               management of medical problems; and
- 13           (2) that meets the additional requirements under
- 14           **IC 12-17.4-4-1.7.**
- 15           SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
- 16           CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17           [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family**
- 18           **home", for purposes of IC 12-17.4, means a foster family home:**
- 19               (1) that provides care to a seriously emotionally disturbed or
- 20               developmentally disabled child;
- 21               (2) in which the child receives treatment in a family home
- 22               through an integrated array of services supervised and
- 23               supported by qualified program staff from:
- 24                (A) the office of the secretary of family and social

- 1 services;
- 2 (B) a managed care provider that contracts with the
- 3 division of mental health; or
- 4 (C) a licensed child placing agency; and
- 5 (3) that meets the additional requirements under
- 6 IC 12-17.4-4-1.5."

7 Page 34, between lines 23 and 24, begin a new paragraph and  
8 insert:

9 "SECTION 44. IC 12-15-8-1 IS AMENDED TO READ AS  
10 FOLLOWS[EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever:

- 11 (1) the office pays medical expenses for or on behalf of a person
- 12 who has been injured or has suffered an illness or a disease as a
- 13 result of the negligence or act of another person; and
- 14 (2) the injured or diseased person asserts a claim against the
- 15 other person for damages resulting from the injury, illness, or
- 16 disease;

17 the office has a lien against the other person, ~~to the extent of~~ **in** the  
18 amount **of that** paid by the office **to the extent of the other person's**  
19 **liability for those medical expenses** on any recovery under the claim  
20 ~~; . whether by judgment, compromise, or settlement. Whenever the~~  
21 **existence or extent of liability of the other person for medical**  
22 **expenses is disputed in a compromise or settlement of a claim**  
23 **against the other person, the lien on any recovery by compromise**  
24 **or settlement shall exist only for that portion of the medical**  
25 **expenses equal to the portion that the recovery is of the total**  
26 **damages."**

27 Page 37, between lines 37 and 38, begin a new paragraph and  
28 insert:

29 "SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA  
30 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
31 [EFFECTIVE JULY 1, 1999]:

32 **Chapter 3.1. Board for the Coordination of Child Care**  
33 **Regulation**

34 **Sec. 1. (a) The board for the coordination of child care**  
35 **regulation is established. The board consists of the following**  
36 **members:**

- 37 (1) **One (1) employee of the division to be designated by the**  
38 **director of the division.**
- 39 (2) **One (1) employee of the state department of health to be**  
40 **designated by the commissioner of the state department of**  
41 **health.**
- 42 (3) **The state fire marshal or the state fire marshal's**  
43 **designee.**
- 44 (4) **Ten (10) members, not more than five (5) of whom may**  
45 **be from the same political party, to be appointed as follows:**
  - 46 (A) **One (1) member with child development experience**  
47 **to represent the public.**
  - 48 (B) **One (1) member to represent operators of foster**  
49 **family homes.**
  - 50 (C) **Two (2) members to represent operators of child**  
51 **care homes.**
  - 52 (D) **One (1) member to represent operators of child**

- 1                    **caring institutions.**
- 2                    **(E) One (1) member to represent operators of group**
- 3                    **homes and child placing agencies.**
- 4                    **(F) One (1) member who is knowledgeable about the**
- 5                    **delivery of child care services to children and who is not**
- 6                    **an owner or operator of a facility, a ministry, or an**
- 7                    **agency that is licensed or registered under this chapter.**
- 8                    **(G) Two (2) members to represent operators of child**
- 9                    **care centers.**
- 10                   **(H) One (1) member to represent child care ministries.**
- 11                   **(5) Two (2) members of the house of representatives, not**
- 12                   **more than one (1) of whom is a member of the same political**
- 13                   **party, to be appointed by and serve at the pleasure of the**
- 14                   **speaker of the house of representatives.**
- 15                   **(6) Two (2) members of the senate, not more than one (1) of**
- 16                   **whom is a member of the same political party, to be**
- 17                   **appointed by and serve at the pleasure of the president pro**
- 18                   **tempore of the senate.**
- 19                   **(b) The president pro tempore of the senate shall appoint the**
- 20                   **board members listed under subsection (a)(4)(A), (a)(4)(B), and**
- 21                   **(a)(4)(D), and one (1) member each under subsection (a)(4)(C) and**
- 22                   **(a)(4)(G). The speaker of the house of representatives shall appoint**
- 23                   **the board members listed under subsection (a)(4)(E), (a)(4)(F), and**
- 24                   **(a)(4)(H), and one (1) member each under subsection (a)(4)(C) and**
- 25                   **(a)(4)(G). At least one (1) of the members appointed under this**
- 26                   **section must have knowledge or expertise, or both, in the area of**
- 27                   **children with special needs.**
- 28                   **(c) The legislative council shall appoint the chairperson of the**
- 29                   **board from among the board members.**
- 30                   **Sec. 2. The terms of the members expire November 1, 2001.**
- 31                   **Sec. 3. The board shall elect necessary officers from among the**
- 32                   **board's members.**
- 33                   **Sec. 4. The board shall meet upon the call of the chairperson.**
- 34                   **Sec. 5. A majority of the members must be present for the**
- 35                   **transaction of business.**
- 36                   **Sec. 6. The affirmative votes of a majority of the members of**
- 37                   **the board are required for the board to take action on any**
- 38                   **measure, including final reports.**
- 39                   **Sec. 7. The board may appoint subcommittees of the board's**
- 40                   **members to receive public testimony, visit facilities, and make**
- 41                   **recommendations to the full committee.**
- 42                   **Sec. 8. The legislative services agency shall provide the**
- 43                   **personnel necessary to staff the board.**
- 44                   **Sec. 9. Each member of the board who is not a member of the**
- 45                   **general assembly is entitled to reimbursement for traveling and**
- 46                   **other expenses actually incurred in connection with the member's**
- 47                   **duties, as provided in the state travel policies and procedures**
- 48                   **established by the Indiana department of administration and**
- 49                   **approved by the budget agency. Each member who is not a state**
- 50                   **employee is entitled to the minimum salary per diem as provided**

1 in IC 4-10-11-2.1(b).

2 **Sec. 10. Each member of the board who is a member of the**  
 3 **general assembly is entitled to receive the same per diem, mileage,**  
 4 **and travel allowances paid to members of the general assembly**  
 5 **serving on interim study committees established by the legislative**  
 6 **council. Payments made to a member of the general assembly**  
 7 **under this section shall be paid from funds appropriated to the**  
 8 **legislative council and the legislative services agency for this**  
 9 **purpose.**

10 **Sec. 11. The board shall study the laws governing the**  
 11 **regulation of child care and make recommendations to the general**  
 12 **assembly concerning changes in the law the board finds are**  
 13 **appropriate. Before November 1 of each year, the board shall**  
 14 **submit a written report to the legislative council that identifies the**  
 15 **board's recommendations and discusses the status of the board's**  
 16 **continuing program of study. The board's program of study under**  
 17 **this section must include a study of the following topics:**

18 (1) **The need for changes in the scope and degree of child**  
 19 **care regulation established by statute or rule, or both.**

20 (2) **The need to reorganize governmental units involved in**  
 21 **the regulation of child care facilities to promote effective and**  
 22 **efficient child care regulation, including the form that a**  
 23 **needed reorganization should take.**

24 (3) **A method for the completion of a statewide needs**  
 25 **assessment to determine the availability and projected need**  
 26 **for safe and affordable child care.**

27 (4) **The need for programs to meet the needs of Indiana**  
 28 **residents if the board determines that safe and affordable**  
 29 **child care facilities are not available and easily accessible to**  
 30 **Indiana residents.**

31 (5) **The effect of pending and enacted federal legislation on**  
 32 **child care in Indiana and the need for statutory changes to**  
 33 **qualify for federal child care grants and to comply with**  
 34 **federal child care requirements.**

35 **Sec. 12. This chapter expires November 1, 2001."**

36 Page 39, between lines 1 and 2, begin a new paragraph and insert:

37 "SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) A person may not operate**  
 40 **a therapeutic foster family home without a license issued under this**  
 41 **article.**

42 (b) **The state or a political subdivision of the state may not**  
 43 **operate a therapeutic foster family home without a license issued**  
 44 **under this article.**

45 (c) **The division may only issue a license for a therapeutic**  
 46 **foster family home that meets:**

47 (1) **all of the licensing requirements of a foster family home;**  
 48 **and**

49 (2) **the additional requirements described in this section.**

50 (d) **An applicant for a therapeutic foster family home license**

- 1       **must do the following:**
- 2           **(1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.**
- 3           **(2) Participate in thirty (30) hours of pre-service training**
- 4           **that includes:**
- 5               **(A) twenty (20) hours of pre-service training to be**
- 6               **licensed as a foster parent under 470 IAC 3-1-1 et seq.;**
- 7               **and**
- 8               **(B) ten (10) hours of additional pre-service training in**
- 9               **therapeutic foster care.**
- 10          **(e) A person who is issued a license to operate a therapeutic**
- 11          **foster family home shall, within one (1) year after meeting the**
- 12          **training requirements of subsection (d)(2) and annually thereafter,**
- 13          **participate in twenty (20) hours of training that includes:**
- 14               **(1) ten (10) hours of training as required in order to be**
- 15               **licensed as a foster parent under 470 IAC 3-1-1 et seq.; and**
- 16               **(2) ten (10) hours of additional training in order to be**
- 17               **licensed as a therapeutic foster parent under this chapter.**
- 18          **(f) An operator of a therapeutic foster family home may not**
- 19          **provide supervision and care in a therapeutic foster family home**
- 20          **to more than two (2) foster children at the same time, not including**
- 21          **the children for whom the applicant or operator is a parent,**
- 22          **stepparent, guardian, custodian, or other relative. The division**
- 23          **may grant an exception to this subsection whenever the placement**
- 24          **of siblings in the same therapeutic foster family home is desirable**
- 25          **or in the best interests of the foster children residing in the home.**
- 26          SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA
- 27          CODE AS A NEW SECTION TO READ AS FOLLOWS
- 28          [EFFECTIVE JULY 1, 1999]: **Sec. 1.7. (a) A person may not operate**
- 29          **a special needs foster family home without a license issued under**
- 30          **this article.**
- 31               **(b) The state or a political subdivision of the state may not**
- 32               **operate a special needs foster family home without a license issued**
- 33               **under this article.**
- 34               **(c) The division may only issue a license for a special needs**
- 35               **foster family home that meets:**
- 36                       **(1) all of the licensing requirements of a foster family home;**
- 37                       **and**
- 38                       **(2) the additional requirements described in this section.**
- 39               **(d) An applicant for a special needs foster family home license**
- 40               **must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that**
- 41               **includes participating in twenty (20) hours of pre-service training.**
- 42               **(e) A person who is issued a license to operate a special needs**
- 43               **foster family home shall, within one (1) year after meeting the**
- 44               **training requirements of subsection (d) and annually thereafter,**
- 45               **participate in twenty (20) hours of training that includes:**
- 46                       **(1) ten (10) hours of training as required in order to be**
- 47                       **licensed as a foster parent under 470 IAC 3-1-1 et seq.; and**
- 48                       **(2) ten (10) hours of additional training that includes**
- 49                       **specialized training to meet the child's specific needs.**
- 50               **(f) An operator of a special needs foster family home may not**

1 provide supervision and care as a special needs foster family home  
2 if more than:

3 (1) eight (8) individuals, each of whom either:

4 (A) is less than eighteen (18) years of age; or

5 (B) is at least eighteen (18) years of age and is receiving  
6 care and supervision under an order of a juvenile court;

7 or

8 (2) four (4) individuals less than six (6) years of age;

9 including the children for whom the provider is a parent,  
10 stepparent, guardian, custodian, or other relative, receive care and  
11 supervision in the home at the same time. Not more than four (4)  
12 of the eight (8) individuals described in subdivision (1) may be less  
13 than six (6) years of age. The division may grant an exception to  
14 this section whenever the division determines that the placement  
15 of siblings in the same special needs foster home is desirable.

16 (g) The division shall consider the specific needs of each special  
17 needs foster child whenever the division determines the  
18 appropriate number of children to place in the special needs foster  
19 home under subsection (f). The division may require a special  
20 needs foster family home to provide care and supervision to less  
21 than the maximum number of children allowed under subsection  
22 (f) upon consideration of the specific needs of a special needs foster  
23 child."

24 Page 72, between lines 17 and 18, begin a new paragraph and  
25 insert:

26 "SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this  
27 SECTION, "division" refers to the division of family and children  
28 established by IC 12-13-1-1.

29 (b) As used in this SECTION, "special needs foster child"  
30 means a child who:

31 (1) is placed in a foster family home by the division of family  
32 and children;

33 (2) has a mental, a physical, or an emotional disability; and

34 (3) will require additional supervision or assistance in  
35 behavior management, activities of daily living, or  
36 management of medical problems.

37 (c) As used in this SECTION, "therapeutic foster child" means  
38 a child who:

39 (1) is placed in a foster family home by the division of family  
40 and children;

41 (2) is seriously emotionally disturbed or developmentally  
42 disabled; and

43 (3) receives treatment in a foster family home through an  
44 integrated array of services supervised and supported by  
45 qualified program staff from:

46 (A) the office of the secretary of family and social  
47 services;

48 (B) a managed care provider that contracts with the  
49 division of mental health; or

50 (C) a licensed child placing agency.

1           **(d) Except as provided in subsection (e), the division may not**  
2 **remove a special needs foster child or a therapeutic foster child**  
3 **from a foster family home in which the child is placed before July**  
4 **1, 1999, because the foster family home does not meet the**  
5 **requirements for operating a:**

6           **(1) therapeutic foster family home under IC 12-17.4-4-1.5, as**  
7 **added by this act; or**

8           **(2) special needs foster family home under IC 12-17.4-4-1.7,**  
9 **as added by this act.**

10           **(e) The division may remove a special needs foster child or a**  
11 **therapeutic foster child from a foster family home in which the**  
12 **child is placed before July 1, 1999, because the foster family home**  
13 **does not meet the requirements described in subsection (d)(1) or**  
14 **(d)(2) if the division determines that remaining in the foster family**  
15 **home is not in the child's best interest."**

16           Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed April 6, 1999.)

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Representative BUDAK