SENATE BILL No. 606

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-3.5-5; IC 4-15-2-3.8; IC 5-1-16-1; IC 5-20-1-2; IC 12-7-2; IC 12-8-14; IC 12-9-1-3; IC 12-10; IC 12-11; IC 12-12-7-5; IC 12-12-8; IC 12-13-2-3; IC 12-13-11; IC 12-15-21-5; IC 12-17-15; IC 12-24; IC 12-26-11-1; IC 12-28; IC 16-29-4; IC 20-1-6.1.

Synopsis: Disability and rehabilitative services. Removes references to the New Castle State Developmental Center and the Northern Indiana State Developmental Center. Relocates provisions within the Indiana Code governing the family support program and the funding requirements for centers for independent living. Requires that a majority of the members appointed to the family support council must approve any action. Revises the duties of the bureau of developmental disabilities services. Requires the bureau to provide service coordination services to developmentally disabled individuals. 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 the director of the division of family and children's authority over state owned children's

(Continued next page)

Effective: July 1, 1999.

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Riegsecker

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

Digest Continued

facilities. Adds two members to the interagency coordinating council. Removes the state fire marshal's office from the community residential facilities council. Makes numerous changes to transition services offered to disabled students who leave the special education program. 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. Makes conforming amendments.

C o p y

Introduced

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.

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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:

SECTION 1. IC 1-1-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

(1) the director of the Indiana state library;

(2) the election division; and

(3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

(1) The auditor of state, for distribution of money from the following:

(A) The cigarette tax fund in accordance with IC 6-7-1-30.1.

(B) Excise tax revenue allocated under IC 7.1-4-7-8.

(C) The local road and street account in accordance with IC 8-14-2-4.

(D) The repayment of loans from the Indiana University permanent endowment funds under IC 21-7-4.

(2) The board of trustees of Ivy Tech State College, for the board's division of Indiana into service regions under IC 20-12-61-9.

(3) The department of commerce, for the distribution of money from the following:

(A) The rural development fund under IC 4-4-9.

(B) The growth investment program fund under IC 4-4-20.

(4) The division of disability, aging, and rehabilitative services, for establishing priorities for community residential facilities under ~~IC 12-11-1-9~~ **IC 12-11-1.1** and IC 12-28-4-12.

(5) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(6) The enterprise zone board, for the evaluation of enterprise zone applications under IC 4-4-6.1.

(7) The Indiana alcoholic beverage commission, for the issuance of permits under IC 7.1.

(8) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(9) The state board of accounts, for calculating the state share of salaries paid under IC 33-13-12, IC 33-14-7, and IC 33-15-26.

SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, ~~New Castle State Developmental Center, Northern Indiana State Developmental Center,~~ division of mental health, Larue D. Carter Memorial Hospital, Evansville

C o p y

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

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

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

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

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

"Cost" includes the following:

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

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installation of health facility property.

(2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.

(3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.

(4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.

(5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.

(6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.

(7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.

(8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

(1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:

(A) health care;

(B) medical research;

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(C) training or teaching of health care personnel;
(D) habilitation, rehabilitation, or therapeutic services; or
(E) any related supporting services;
in Indiana, regardless of whether such property is in existence at the time of, or is to be provided after the making of, such finding;
(2) is a residential facility for:
(A) the physically, mentally, or emotionally disabled;
(B) the physically or mentally ill; or
(C) the elderly; or
(3) is a licensed child caring institution providing residential care described in IC 12-7-2-29(1).

"Health facility" means any facility or building owned or used by a participating provider which is utilized, directly or indirectly:
(1) in:
(A) health care;
(B) habilitation, rehabilitation, or therapeutic services;
(C) medical research;
(D) the training or teaching of health care personnel; or
(E) any related supporting services;
(2) to provide a residential facility for:
(A) the physically, mentally, or emotionally disabled;
(B) the physically or mentally ill; or
(C) the elderly; or
(3) as a child caring institution and provides residential care described in IC 12-7-2-29(1).

"Net revenues" means the revenues of a hospital remaining after provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:
(1) is:
(A) licensed under IC 12-25, IC 16-21, or IC 16-28;
(B) a regional blood center;
(C) a community mental health center or community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39);
(D) an entity that contracts with the **division of disability, aging, and rehabilitative services or the** division of mental health to provide the program described in ~~IC 12-11-2~~ **IC 12-11-1.1-1(e)** or IC 12-22-2;
(E) a vocational rehabilitation center established under

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IC 12-12-1-4(1);

(F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for the physically, mentally, or emotionally disabled, physically or mentally ill, or the elderly;

(G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1);

(H) an integrated health care system between or among providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or

(I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and

(2) under this chapter, contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property.

"Regional blood center" means a nonprofit corporation or corporation created under 36 U.S.C. 1 that:

(1) is:

(A) accredited by the American Association of Blood Banks; or

(B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and

(2) owns and operates a health facility that is primarily engaged in:

(A) drawing, testing, processing, and storing human blood and providing blood units or components to Indiana hospitals; or

(B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to Indiana hospitals.

SECTION 4. IC 5-20-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

"Assisted" means, with respect to a loan:

(1) the payment by the United States or any duly authorized agency ~~thereof~~ **of the United States** of assistance payments, interest payments, or mortgage reduction payments with respect to such loan; or

C o p y

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

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

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

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

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

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

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

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

(5) necessary application and other fees;

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

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

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

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

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

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

C o p y

(2) the weatherization of single family residences.

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

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

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

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

(1) The amount of total income of such persons and families available for housing needs.

(2) The size of the family.

(3) The cost and condition of housing facilities available in the different geographic areas of the state.

(4) The ability of such persons and families to compete successfully in the private housing market and to pay the amounts at which private enterprise is providing sanitary, decent, and safe housing.

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

"Residential facility for children" means a facility:

(1) that provides residential services to individuals who are:

(A) under twenty-one (21) years of age; and

(B) adjudicated to be children in need of services under IC 31-34 (or IC 31-6-4 before its repeal) or delinquent children under IC 31-37 (or IC 31-6-4 before its repeal); and

(2) that is:

C o p y

(A) a child caring institution that is or will be licensed under IC 12-17.4;

(B) a residential facility that is or will be licensed under IC 12-28-5; or

(C) a facility that is or will be certified by the division of mental health under IC 12-23.

"Residential facility for the developmentally disabled" means a facility that is approved for use in a community residential program for the developmentally disabled under ~~IC 12-11-2-1(1), IC 12-11-2-1(2), or IC 12-11-2-1(3).~~ **IC 12-11-2.1.**

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

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

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

"State" means the state of Indiana.

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

(1) Counseling on household management, housekeeping, budgeting, and money management.

(2) Child care and similar matters.

(3) Access to available community services related to job training and placement, education, health, welfare, and other community services.

(4) Guard and other matters related to the physical security of the housing residents.

(5) Effective management-tenant relations, including tenant participation in all aspects of housing administration, management, and maintenance.

(6) Physical improvements of the housing, including buildings,

C o p y

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

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

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

SECTION 5. IC 12-7-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. "Applicant" means the following:

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

(A) IC 12-10-6.

(B) IC 12-10-12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. IC 12-7-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. "Assistance", for purposes of the following statutes, means money or services regardless of the source, paid or furnished under any of the following statutes:

(1) IC 12-10-6.

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(2) IC 12-10-12.
~~(3) IC 12-11-4.~~
~~(4)~~ **(3)** IC 12-13.
~~(5)~~ **(4)** IC 12-14.
~~(6)~~ **(5)** IC 12-15.
~~(7)~~ **(6)** IC 12-17-1.
~~(8)~~ **(7)** IC 12-17-2.
~~(9)~~ **(8)** IC 12-17-3.
~~(10)~~ **(9)** IC 12-17-9.
~~(11)~~ **(10)** IC 12-17-10.
~~(12)~~ **(11)** IC 12-17-11.
~~(13)~~ **(12)** IC 12-19.

SECTION 7. IC 12-7-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 20. "Autistic", for purposes of ~~IC 12-11-1-8~~ **IC 12-11-1.1-6** and IC 12-28-4-13, refers to the characteristics of a neurological disorder that is described in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Washington, American Psychiatric Association, 1994, pages 70 and 71.

SECTION 8. IC 12-7-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. "Blind" means the following:

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

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

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

(A) IC 12-12-1.

(B) IC 12-12-3.

(C) IC 12-12-5.

(D) IC 12-12-6.

SECTION 9. IC 12-7-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. "Board" means the following:

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

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

(3) For purposes of IC 12-15-35, the meaning set forth in IC 12-15-35-2.

(4) For purposes of IC 12-17-2-36, the meaning set forth in IC 12-17-2-36(a).

~~(5) For purposes of~~ IC ~~12-17.2 and IC 12-17.4, the board for the coordination of child care regulation established by IC 12-17.2-3-1.~~

SECTION 10. IC 12-7-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 24. "Bureau" means the following:

(1) For purposes of IC 12-10, the bureau of aging and in-home services established by IC 12-10-1-1.

(2) For purposes of IC 12-11, the bureau of developmental disabilities services established by ~~IC 12-11-1-1.~~ **IC 12-11-1.1.**

(3) For purposes of IC 12-12, the rehabilitation services bureau of the division of disability, aging, and rehabilitative services established by IC 12-12-1-1.

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

SECTION 11. IC 12-7-2-26.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.1. "Center for independent living", for purposes of ~~IC 12-11-11.1,~~ **IC 12-12-8,** has the meaning set forth in ~~IC 12-11-11.1-1.~~ **IC 12-12-8-1.**

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

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~~(1) For purposes of IC 12-11-1, the program described in IC 12-11-1-1.~~

~~(2)~~ for purposes of IC 12-22-2, **refers to** the ~~program~~ **programs** described in IC 12-22-2-3.

SECTION 13. IC 12-7-2-40.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 40.7. "Consumer control", for purposes of ~~IC 12-11-11.1,~~ **IC 12-12-8,** has the meaning set forth in ~~IC 12-11-11.1-2.~~ **IC 12-12-8-2.**

SECTION 14. IC 12-7-2-51.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 51.9. "Cross-disability", for purposes of ~~IC 12-11-11.1,~~ **IC 12-12-8,** has the meaning set forth in ~~IC 12-11-11.1-3.~~ **IC 12-12-8-3.**

SECTION 15. IC 12-7-2-62 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 62. "Developmentally disabled individual", for purposes of ~~IC 12-11-2 and IC 12-11-3,~~ **IC 12-11-1.1 and IC 12-11-2.1,** refers to an individual who has a developmental disability.

SECTION 16. IC 12-7-2-82.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 82.5. "Family support program", for purposes of ~~IC 12-11-10,~~ **IC 12-8-14,** has the meaning set forth in ~~IC 12-11-10-1.~~ **IC 12-8-14-1.**

SECTION 17. IC 12-7-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 99. "A person with a disability" means, ~~the following:~~

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

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

(B) IC 12-12-1.

(C) IC 12-12-6.

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

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

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

(A) IC 12-10-6.

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

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

C o p y

~~(D)~~ **(C)** IC 12-14.
~~(E)~~ **(D)** IC 12-15.
~~(F)~~ **(E)** IC 12-17-1.
~~(G)~~ **(F)** IC 12-17-2.
~~(H)~~ **(G)** IC 12-17-3.
~~(I)~~ **(H)** IC 12-17-9.
~~(J)~~ **(I)** IC 12-17-10.
~~(K)~~ **(J)** IC 12-17-11.
~~(L)~~ **(K)** IC 12-19.

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

(A) a single individual receiving poor relief; or

(B) if poor relief is received by a household with at least two (2) individuals, the member of the household most suited to perform available work.

SECTION 19. IC 12-7-2-160 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 160. (a) "Rehabilitation", for purposes of the statutes listed in subsection (b), means a process of providing services to meet the current and future needs of persons with disabilities so that the individuals may prepare for and engage in gainful employment to the extent of their capabilities, as provided in 29 U.S.C. 720.

(b) This section applies to the following statutes:

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

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

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

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

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

SECTION 20. IC 12-7-2-166 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 166. "Residential facility for the developmentally disabled", for purposes of IC 12-28-4 and IC 12-28-5, means a facility that provides residential services for developmentally disabled individuals in a program described in ~~IC 12-11-1-1.~~ **IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2).**

SECTION 21. IC 12-7-2-168 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 168. "Respite care" means the following:

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

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

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~~IC 12-11-3-1.~~

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

SECTION 22. IC 12-7-2-182 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 182. "State developmental center", for purposes of ~~IC 12-11-3, has the meaning set forth~~ **IC 12-11-2.1, refers to an institution listed** in ~~IC 12-11-3-2.~~ **IC 12-24-1-1.**

SECTION 23. IC 12-7-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 184. (a) "State institution" means an institution:

(1) owned or operated by the state;

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

(3) under the administrative control of a division.

(b) The term includes the following:

(1) Central State Hospital.

(2) Evansville State Hospital.

(3) Evansville State Psychiatric Treatment Center for Children.

(4) Fort Wayne State Developmental Center.

(5) Larue D. Carter Memorial Hospital.

(6) Logansport State Hospital.

(7) Madison State Hospital.

(8) Muscatatuck State Developmental Center.

~~(9) New Castle State Developmental Center.~~

~~(10) Northern Indiana State Developmental Center.~~

~~(11)~~ **(9)** Richmond State Hospital.

SECTION 24. IC 12-7-2-188.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 188.5. "Supervised group living facility for the developmentally disabled", for purposes of IC 12-28-4 and IC 12-28-5, refers to a supervised group living facility for developmentally disabled individuals in a program described in ~~IC 12-11-1-1(b)(1).~~ **IC 12-11-1.1-1(e)(1).**

SECTION 25. IC 12-8-14 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 14. Family Support Program

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

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(1) Assist families to care for persons with disabilities in the persons' own homes.

(2) Assist persons with disabilities to make decisions for themselves.

(3) Allow a person with a disability to live separately from the person's family, if the person with a disability so chooses.

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

(1) Focus on the family and the community of the person with a disability, including the parents of the person with a disability.

(2) Encourage a partnership among families, consumers, and professionals in the development of an individual family support service plan that begins within a reasonable time and that is periodically reviewed.

(3) Promote the participation of families of persons with disabilities in local step ahead councils.

(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

C o p y

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 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.

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

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

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

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

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

(e) The family support council shall:

(1) communicate information and recommendations concerning family support to the secretary; and

(2) assist in developing state policies and programs that have an impact on individuals with disabilities and their families.

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

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

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

(1) Disability determination bureaus required or permitted under IC 12-9-6.

(2) The bureau of aging and in-home services established by IC 12-10-1-1.

(3) The rehabilitation services bureau established by IC 12-12-1-1.

(4) The bureau of developmental disabilities services established by ~~IC 12-11-1-1.~~ **IC 12-11-1.1-1.**

SECTION 27. IC 12-10-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21. If an alleged endangered adult does not or is unable to consent to the receipt of protective services arranged by the division or the adult protective services unit or withdraws consent previously given, the adult protective services unit, **either directly through the prosecuting attorney's office in the county in which the endangered adult resides, may petition the court to require the alleged endangered adult to receive protective services.** ~~or~~ Any person upon consent of the adult protective services unit, may petition the court to require the alleged endangered adult to receive protective services. The petition must be under oath or affirmation and must include the following:

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

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

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

(4) Certification that:

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

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

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

C o p y

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

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

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

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

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

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

the adult protective services unit, **either directly or through the prosecuting attorney's office of the county in which the alleged endangered adult resides,** may petition the superior or circuit court in the county where the alleged endangered adult resides for an emergency protective order.

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

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

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

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

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

(5) Certification that:

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

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

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

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

C o p y

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

(1) The individual is an endangered adult.

(2) A life threatening emergency exists.

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

The court may issue the order ex parte.

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

(1) The objectives of the emergency protective order.

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

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

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

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

(1) is a recipient of Medicaid or the federal Supplemental Security Income program;

(2) is incapable of residing in the individual's own home because of dementia, mental illness, or a physical disability;

(3) requires a degree of care less than that provided by a health care facility licensed under IC 16-28; and

(4) can be adequately cared for in a residential care setting.

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

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

(1) evaluate a person seeking admission to a home or facility under subsection (a); or

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

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

(d) Except as provided in section 5 of this chapter, residential care consists of only room, board, and laundry, along with minimal administrative direction. State financial assistance may be provided for such care in a boarding or residential home of the applicant's choosing that is licensed under IC 16-28 or a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal. Payment for such care shall be made to the provider of the care according to

C o p y

division directives and supervision. The amount of nonmedical assistance to be paid on behalf of a recipient living in a boarding home, residential home, or Christian Science facility shall be based on the daily rate established by the division. The rate for facilities that are referred to in this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division. The recipient may retain from the recipient's income a personal allowance in an amount to be established by the division, but not less than twenty-eight dollars and fifty cents ($28.50) or more than thirty-five dollars ($35) monthly. This amount is exempt from income eligibility consideration by the division and may be exclusively used by the recipient for the recipient's personal needs. However, if the recipient's income is less than the amount of the personal allowance, the division shall pay to the recipient the difference between the amount of the personal allowance and the recipient's income. A reserve or an accumulated balance from such a source, together with other sources, may not be allowed to exceed the state's resource allowance allowed for adults eligible for state supplemental assistance or Medicaid as established by the rules of the office of Medicaid policy and planning.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual shall be 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 that month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay any state or local income taxes owed.

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

(g) The personal allowance for one (1) month for an individual described in subsection (a) whose employment is part of the individual's personal habilitation plan or who is working in a sheltered

C o p y

workshop or day activity center 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.

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

(i) The director of the division may contract with the division of mental health or the division of disability, aging, and rehabilitative services to purchase services for individuals suffering from mental illness or a developmental disability by providing money to supplement the appropriation for community residential care programs established under IC 12-22-2 or community residential programs established under ~~IC 12-11-1-1.~~ **IC 12-11-1.1-1.**

(j) A person with a mental illness may not be placed in a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., unless the facility is licensed under IC 16-28.

SECTION 30. IC 12-11-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 1.1. Bureau of Developmental Disabilities Services; Community Based Services

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

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

(c) Services for developmentally disabled individuals must be

C o p y

services that meet the following conditions:

(1) Are provided under public supervision.

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

(3) Meet all required state and federal standards.

(4) Are provided by qualified personnel.

(5) To the extent appropriate, are provided in natural environments, including home and community based settings in which individuals without disabilities participate.

(6) Are provided in conformity with a service plan developed under IC 12-11-2.1-1(a)(2).

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

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

(1) Supervised group living programs, which serve at least four (4) individuals and not more than eight (8) individuals, are funded by Medicaid, and are licensed by the community 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) individuals in any one (1) setting. However, the head of the bureau may waive this limitation for a setting that was in existence on June 30, 1999.

(3) Day habilitation and vocational services provided in, to the extent possible, integrated, community based settings. These services must be goal oriented and person focused to achieve the degree of independence possible in activities of daily living.

(f) 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.

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

C o p y

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

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

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

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

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

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

C o p y

Sec. 8. The director of the division may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 31. IC 12-11-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 2.1. Service Coordination Services for Developmentally Disabled Individuals

Sec. 1. (a) The bureau shall provide service coordination services to developmentally disabled individuals. Service coordination consists of the following functions:

(1) Determinations of eligibility under section 2 of this chapter.

(2) Development of individualized service plans for developmentally disabled individuals. Each plan must take into consideration the individual's interests, preferences, and needs. The plan must be individualized, goal oriented, and community based.

(3) Development of individualized budgets for developmentally disabled individuals to support individuals' service plans.

(b) All services provided to an individual must be provided pursuant to the individual's service plan and individualized budget.

(c) The bureau shall serve as the placement authority for developmentally disabled individuals. Staff employed by the division shall approve all residential services, including placements at a state developmental center, vocational services, and habilitation services provided to developmentally disabled individuals.

(d) When authorizing services for a developmentally disabled individual in a community based setting, the bureau shall give equal consideration based on need between:

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

(2) individuals being placed from:

(A) a state developmental center;

(B) an intermediate care facility; or

(C) a nursing facility.

Sec. 2. (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

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of a diagnostic assessment in determining whether or not 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.

(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 or not the individual meets the appropriate federal level of care requirements.

Sec. 3. The bureau may not approve the initial placement of a developmentally disabled individual in an intermediate care facility for the mentally retarded serving more than eight (8) individuals or a nursing facility unless:

(1) the individual has medical needs; and

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

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

Sec. 4. If a developmentally disabled individual committed to a state developmental center is placed on outpatient status under IC 12-26-14, the bureau shall monitor the individual's compliance with the individual's individualized program plan during the period that the individual is in outpatient status.

Sec. 5. The division of mental health and the division shall enter into a memorandum of understanding concerning referrals to the bureau of developmentally disabled individuals discharged from or on an outpatient status from a state institution operated by the division of mental health.

Sec. 6. The division shall require service coordination personnel and vocational counselors to coordinate their services.

Sec. 7. (a) An individual who is receiving services for developmentally disabled individuals funded by Medicaid and has been decertified by the office because the individual fails to meet appropriate federal level of care requirements must continue to

C o p y

receive the same services, unless an appropriate individual service plan has been developed outlining the services needed by the individual to live in the least restrictive environment.

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

Sec. 8. The director of the division may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 32. IC 12-12-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) As used in this section, "board" refers to the board of interpreter standards.

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

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

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

SECTION 33. IC 12-12-8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

Chapter 8. Centers for Independent Living

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

(1) is designed and operated within a local community by individuals with disabilities; and

(2) provides an array of independent living services.

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

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

Sec. 4. To be eligible to receive state funds, a center for independent living must meet the requirements for federal funding

C o p y

for a center for independent living under:

(1) 29 U.S.C. 796; and

(2) 34 CFR Parts 364 through 366;

that are in effect January 1, 1995.

SECTION 34. IC 12-13-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The director is responsible for the following:

(1) The appointment of state investigators or boards of review provided by law that are necessary to ensure a fair hearing to an applicant or a recipient. A fair hearing shall be granted at the request of an aggrieved person who desires a hearing. The division shall review cases upon the request of an applicant, a recipient, or an aggrieved person.

(2) The adoption of all policies and rules for the division.

(3) The administrative and executive duties and responsibilities of the division.

(4) The establishment of salaries for the officers and employees of the division within the salary ranges of the pay plan adopted by the Indiana personnel advisory board and approved by the budget 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 35. 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 36. 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:

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(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.

(5) At least one (1) member must be involved in personnel preparation.

(6) At least one (1) member must represent a state educational agency responsible for preschool services to children with disabilities and must have sufficient authority to engage in policy planning and implementation on behalf of the agency.

(7) At least one (1) member must represent the department of insurance created under IC 27-1-1-1.

(8) At least one (1) member must represent an agency or program that is located in the state and is authorized to participate in the Head Start program under 42 U.S.C. 9831 et seq.

(9) At least one (1) member must represent a state agency responsible for child care.

(b) To the extent possible, the governor shall ensure that the membership of the council reasonably represents the population of Indiana.

SECTION 37. IC 12-17-15-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. The council shall meet at least ~~four (4) times~~ **quarterly** each year.

SECTION 38. IC 12-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The director of the division of disability, aging, and rehabilitative services has

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administrative control of and responsibility for the following state institutions:

(1) Fort Wayne State Developmental Center.

(2) Muscatatuck State Developmental Center.

~~(3) New Castle State Developmental Center.~~

~~(4) Northern Indiana State Developmental Center.~~

~~(5)~~ **(3)** Any other state owned or operated developmental center.

SECTION 39. IC 12-24-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This section applies to an individual who has a primary diagnosis of developmental disability.

(b) Action contemplated by a patient under this section includes action by the patient's parent or guardian if the patient is not competent.

(c) If a patient is admitted to a state institution, the staff of the state institution shall, before the patient is discharged, ask the patient whether the patient's medical and treatment records may be sent to ~~the~~ **a** service coordinator employed by the division of disability, aging, and rehabilitative services under ~~IC 12-11-2~~ **IC 12-11-2.1** so the service coordinator may send the records to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside.

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

AUTHORIZATION TO RELEASE
MEDICAL AND TREATMENT
RECORDS

I agree to permit _____
(name of state institution)
to release a copy of the medical and treatment records of

_____	to_____
(patient's name)	(name of local agency serving the needs of developmentally disabled individuals)
_____	_____
(date)	(signature)
	_____

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	(address)
_____	_____
(signature of individual securing release of medical and treatment records)	(relationship to patient if signature is not that of the patient)

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

(1) The patient's name.

(2) The address of the patient's intended residence.

(3) The patient's medical records.

(4) A complete description of the treatment the patient was receiving at the state institution at the time of the patient's discharge.

(f) If the local agency does not obtain a patient's records, the state institution shall deliver the medical records to the local agency before or at the time the patient is discharged.

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

(1) the patient's name; and

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

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

SECTION 40. IC 12-24-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health, the gatekeeper is one (1) of the following:

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

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

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

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

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

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

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

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

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

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

(1) a state institution;

(2) a community mental health center;

(3) a community mental retardation and other developmental disabilities center;

(4) a federal facility;

(5) a psychiatric unit of a hospital licensed under IC 16-21;

(6) a private psychiatric facility licensed under IC 12-25;

(7) a community residential program for the developmentally disabled described in ~~IC 12-11-1;~~ **IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2)**; or

(8) an intermediate care facility for the mentally retarded (ICF/MR) that is licensed under IC 16-28 and is not owned by the state;

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

SECTION 42. IC 12-28-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) A residential facility for the developmentally disabled:

(1) for not more than eight (8) developmentally disabled individuals; and

(2) established under a program authorized by ~~IC 12-11-1;~~ **IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1-(e)(2);**

is a permitted residential use that may not be disallowed by any zoning

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ordinance (as defined in IC 36-7-1-22) in a zoning district or classification that permits residential use.

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

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

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

SECTION 43. IC 12-28-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The community residential facilities council is established. The council consists of the following members appointed by the governor:

(1) One (1) professional possessing specialized training in the field of human development.

(2) One (1) member of the professional staff of the division of disability, aging, and rehabilitative services.

(3) One (1) member of the professional staff of the office of Medicaid policy and planning.

~~(4) One (1) member of the professional staff of the state fire marshal's office.~~

~~(5)~~ **(4)** One (1) member of the professional staff of the state department of health.

~~(6)~~ **(5)** One (1) individual possessing a special interest in developmentally disabled individuals.

~~(7)~~ **(6)** One (1) individual possessing a special interest in mentally ill individuals.

~~(8)~~ **(7)** One (1) individual who is the chief executive officer of a facility providing both day services and residential services for developmentally disabled individuals.

~~(9)~~ **(8)** One (1) individual who is the chief executive officer of a facility providing residential services only for developmentally disabled individuals.

~~(10)~~ **(9)** Two (2) members of the public.

(b) Except for the members designated by subsection ~~(a)(8)~~ **(a)(7)** and ~~(a)(9),~~ **(a)(8),** a member of the council may not have an indirect or a direct financial interest in a residential facility for the developmentally disabled.

SECTION 44. IC 16-29-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) As used in this chapter, "ICF/MR" refers to an intermediate care facility for the mentally retarded.

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(b) The term does not include a facility administered under ~~IC 12-11-2~~ **IC 12-11-2.1** or IC 12-22-2.

SECTION 45. IC 16-29-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The Indiana health facilities council may recommend, before the conversion of existing health facility beds to ICF/MR beds or the construction of a new ICF/MR facility, that the state department issue a preliminary approval of the proposed project, but only if the council determines that there is an insufficient number of available beds to care for all the persons who are determined under ~~IC 12-11-2~~ **IC 12-11-2.1** to be appropriate for placement in an ICF/MR facility.

SECTION 46. IC 16-29-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A proposed project that receives preliminary approval under this chapter may not add more beds than the number determined by the Indiana health facilities council to be necessary to provide an available bed for each person determined under ~~IC 12-11-2~~ **IC 12-11-2.1** to be appropriate for placement in an ICF/MR facility. Upon completion of the proposed project and compliance with the other requirements for licensure under IC 16-28, the state department shall issue a license to the facility.

SECTION 47. IC 20-1-6.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "annual case review" means the meeting of the case conference committee ~~required to be~~ **that is** conducted **annually** to review and, ~~if necessary,~~ **if needed,** revise ~~the~~ **a student's** individualized education program. ~~for each student with disabilities.~~

SECTION 48. IC 20-1-6.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter, "case conference committee" means a group ~~comprised~~ **composed** of ~~school~~ **public agency** personnel, parents, **the student, if appropriate,** and others at the discretion of the ~~school~~ **public agency** or the parent and under rules adopted by the board that meets to do any of the following:

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

~~(1)~~ **(2)** Develop, review, or revise ~~the~~ **a student's** individualized education program. ~~of each student with disabilities.~~

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

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

SECTION 49. IC 20-1-6.1-3.1 IS ADDED TO THE INDIANA

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CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.1. (a) As used in this chapter, "transition services" means a coordinated set of activities for a student with a disability, designed within an outcome oriented process, that promotes movement from the public agency to postsecondary school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.**

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

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

(2) include the following:

(A) Instruction.

(B) Related services.

(C) Community experiences.

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

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

SECTION 50. IC 20-1-6.1-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.2. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:**

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

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

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

(4) Programs operated by the department of correction.

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

SECTION 51. IC 20-1-6.1-5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. As used in this chapter, ~~"ongoing~~ "adult services" refers to services offered after a student with disabilities exits the special education program **that are provided by public agencies and other organizations to facilitate student movement from the public agency to adult life and provide services to enhance adult life. The term includes services provided by a vocational rehabilitation services program, the department of workforce development, the Social Security Administration, the bureau of developmental disabilities services, a community mental health center, a community rehabilitation program, and an area agency on aging.**

SECTION 52. IC 20-1-6.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. As used in this chapter, "special education planning district" means the public school administrative unit responsible for providing special education and related services in a specified geographic area. The term includes one (1) **public** school corporation or more than one (1) **public** school corporation ~~operating~~ **that operates** under ~~an approved joint or cooperative~~ **a** written agreement.

SECTION 53. IC 20-1-6.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The ~~rehabilitation services bureau, the bureau providing services to individuals who are developmentally disabled, and~~ **division of disability, aging, and rehabilitative services,** the division of mental health, **and the department of workforce development** shall provide each school corporation with written material describing the ~~ongoing~~ adult services available to students ~~with disabilities~~ and the procedures to be used to access those services.

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

SECTION 54. IC 20-1-6.1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 17. The case conference committee shall review, based on areas addressed in the statement of transition services, the available adult services provided through state and local agencies and present information on those services in writing to the student and the parent.**

SECTION 55. IC 20-1-6.1-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 1999]: **Sec. 18. (a) Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least one (1) time per year to review transition age students.**

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

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

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

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

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

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

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

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

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

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

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student.

SECTION 56. IC 20-1-6.1-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 19. (a) The division of special education shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.**

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

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

SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 12-7-2-47; IC 12-7-2-49; IC 12-7-2-50; IC 12-7-2-63; IC 12-7-2-117.2; IC 12-7-2-132; IC 12-11-1; IC 12-11-2; IC 12-11-3; IC 12-11-4; IC 12-11-5; IC 12-11-6-3; IC 12-11-10; 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; IC 20-1-6.1-8; IC 20-1-6.1-9; IC 20-1-6.1-10; IC 20-1-6.1-11; IC 20-1-6.1-12; IC 20-1-6.1-14; IC 20-1-6.1-15; IC 20-1-6.1-16.

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