

# HOUSE BILL No. 1258

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-11-1-1; IC 12-11-1-13.

**Synopsis:** Certification of residential settings for the developmentally disabled. Requires the bureau of developmental disabilities services to annually certify programs of community based residential alternatives to placement in state institutions and nursing homes. Prohibits the bureau of developmental disabilities services from placing a developmentally disabled individual in a residential setting unless the setting is certified or licensed under Indiana law.

**Effective:** July 1, 1999.

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**Alderman**

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January 11, 1999, read first time and referred to Committee on Human Affairs.

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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.

## HOUSE BILL No. 1258



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-11-1-1 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The bureau of  
 3 developmental disabilities services is established within the division.  
 4 (b) The bureau shall plan, develop, ~~and~~ administer, **and annually**  
 5 **certify** programs of community based residential alternatives to  
 6 placement in state institutions and health facilities licensed under  
 7 IC 16-28 for developmentally disabled individuals. The programs must  
 8 simulate, to the extent feasible, a homelike atmosphere with patterns  
 9 and conditions of everyday life that are as close as possible to normal.  
 10 The programs consist of the following, which are listed in the order of  
 11 the most restrictive setting to the least restrictive setting:  
 12 (1) Supervised group living programs, which serve at least four  
 13 (4) individuals and not more than eight (8) individuals, if the  
 14 program serves developmentally disabled individuals. However,  
 15 the head of the bureau may waive this limitation for a supervised  
 16 group living program that was in existence on June 30, 1985. The  
 17 program and the individuals served by the program shall be

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1 closely supervised by trained individuals.

2 (2) Alternative family programs, which serve not more than six  
3 (6) individuals who reside with an unrelated householder. The  
4 householder must be instructed on the needs of individuals in the  
5 program.

6 (3) Semi-independent living programs, which serve not more than  
7 six (6) individuals who require only limited supervision. The  
8 supervision must be on a regular basis and take into account  
9 emergency needs of the individuals in the program.

10 (4) Independent living support services for individuals residing  
11 independently with their families or with relatives. These services  
12 are temporary or provided intermittently.

13 (5) Supported living service arrangements to meet the unique  
14 needs of individuals in integrated settings.

15 (c) When placing individuals in a community based residential  
16 program, the division shall give equal consideration based on need  
17 between:

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

21 (2) individuals being placed from:

22 (A) a state developmental center;

23 (B) an intermediate care facility; and

24 (C) a skilled nursing facility.

25 (d) A community based residential program under subsection (b)(1),  
26 (b)(2), (b)(3), or (b)(5) must consider the needs of and provide choices  
27 and options for:

28 (1) individuals with developmental disabilities; and

29 (2) families of individuals with developmental disabilities.

30 (e) Any savings realized from the transfer and discharge of  
31 individuals with developmental disabilities from a state developmental  
32 center to a community based residential program must be:

33 (1) calculated annually by the state budget agency; and

34 (2) reported to the state budget committee.

35 **(f) The division shall adopt rules under IC 4-22-2 to implement**  
36 **this section.**

37 SECTION 2. IC 12-11-1-13 IS ADDED TO THE INDIANA CODE  
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
39 1, 1999]: **Sec. 13. The bureau shall not place a developmentally**  
40 **disabled individual in a residential setting unless the setting is:**

41 (1) **certified under section 1(b) of this chapter; or**

42 (2) **otherwise licensed or certified under Indiana law.**



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