

# HOUSE BILL No. 1543

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-9-5.5.

**Synopsis:** Developmental disability quality assurance. Requires the division of disability, aging, and rehabilitative services to establish a program to monitor and assure quality in the delivery of services to persons with developmental disabilities. Allows the division to establish the quality assurance program within the division or by contracting with an outside agency. Requires that the quality assurance program include: (1) training regarding the availability of community based services and the ability to choose among them; (2) response within 24 hours to complaints involving a threat to the life, safety, or health of a person with developmental disabilities; (3) evaluation of financial expenditures for services to persons with developmental  
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**Effective:** Upon passage; July 1, 1999.

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**Klinker, Alderman, Budak, Crosby**

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January 19, 1999, read first time and referred to Committee on Public Health.

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disabilities; and (4) establishment of a statewide data base to provide information about the history of service providers. Establishes the Indiana quality assurance council for persons with developmental disabilities. Requires the council to study issues relating to the delivery of services to persons with developmental disabilities. Provides that the council consists of 18 members, with the chairperson appointed by the governor, and is to be staffed by the legislative services agency. Requires the council to submit its findings and recommendations to the governor and the general assembly before December 1 of each year. (The introduced version of this bill was prepared by the Indiana commission on mental retardation and developmental disabilities.)

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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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## HOUSE BILL No. 1543



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 12-9-5.5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1999]:

4 **Chapter 5.5. Quality Assurance**

5 **Sec. 1. The division shall establish a program to monitor and**  
6 **assure quality in the delivery of services to persons with**  
7 **developmental disabilities.**

8 **Sec. 2. The division may establish the program required by**  
9 **section 1 of this chapter within the division or may contract with**  
10 **an agency outside the division to provide the services necessary to**  
11 **comply with this chapter.**

12 **Sec. 3. The quality assurance program required by section 1 of**  
13 **this chapter must include the following:**

14 (1) **Training for persons with developmental disabilities and**  
15 **their families regarding the availability of community based**



1 services and the ability to choose among services.

2 (2) Investigation within twenty-four (24) hours of complaints  
3 involving threats to the life, safety, or health of persons with  
4 developmental disabilities.

5 (3) Evaluation of financial expenditures for services provided  
6 to persons with developmental disabilities to assure that there  
7 is an adequate financial system to pay for promised services.

8 (4) Establishment of a statewide data base allowing consumers  
9 to access information regarding the history of approved  
10 service providers.

11 **Sec. 4.** The division may adopt rules under IC 4-22 to implement  
12 this chapter.

13 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this  
14 SECTION, "council" refers to the Indiana quality assurance  
15 council for persons with developmental disabilities established by  
16 subsection (b).

17 (b) The Indiana quality assurance council for persons with  
18 developmental disabilities is established.

19 (c) The council consists of the following members:

20 (1) Two (2) members of the house of representatives  
21 appointed by the speaker of the house of representatives. The  
22 members appointed under this subdivision may not be  
23 members of the same political party.

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

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

30 (4) Two (2) members appointed by the governor who are  
31 consumers of developmental disability services.

32 (5) Two (2) members appointed by the governor who are  
33 representatives of advocacy groups for consumers of  
34 developmental disability services.

35 (6) Four (4) members appointed by the governor who are  
36 representatives of families of consumers of developmental  
37 disability services.

38 (7) Three (3) members appointed by the governor who are  
39 representatives of organizations providing services to  
40 individuals with developmental disabilities.

41 The governor shall make appointments required by subdivisions  
42 (3) through (7) before June 1, 1999.



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1 (d) The governor shall designate a member of the council to  
2 serve as chairperson of the council.

3 (e) Each member of the council who is not a state employee is  
4 not entitled to the minimum salary per diem provided by  
5 IC 4-10-11-2.1(b). The member is, however, entitled to  
6 reimbursement for traveling expenses as provided under  
7 IC 4-13-1-4 and other expenses actually incurred in connection  
8 with the member's duties as provided in the state policies and  
9 procedures established by the Indiana department of  
10 administration and approved by the budget agency.

11 (f) Each member of the council who is a state employee but who  
12 is not a member of the general assembly is entitled to  
13 reimbursement for traveling expenses as provided under  
14 IC 4-13-1-4 and other expenses actually incurred in connection  
15 with the member's duties as provided in the state policies and  
16 procedures established by the Indiana department of  
17 administration and approved by the budget agency.

18 (g) Each member of the council who is a member of the general  
19 assembly is entitled to receive the same per diem, mileage, and  
20 travel allowances paid to members of the general assembly serving  
21 on interim study committees established by the legislative council.

22 (h) The legislative services agency shall provide staff support to  
23 the council.

24 (i) The council shall do the following:

25 (1) Develop basic standards for the provision of services to  
26 individuals with developmental disabilities.

27 (2) Review and make recommendations regarding any unmet  
28 need for developmental disability services.

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

32 (4) Monitor the range, scope, and size of programs of the  
33 division of disability, rehabilitation, and aging services and  
34 evaluate their effectiveness in meeting the needs of people  
35 with developmental disabilities.

36 (5) Recommend to the governor and the general assembly  
37 policy and budgetary matters to promote the quality of life  
38 and to guarantee the rights and dignity of persons with  
39 developmental disabilities.

40 (j) The council shall submit its findings and recommendations  
41 to the governor and the general assembly before December 1 of  
42 each year.

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1       **(k) This SECTION expires January 1, 2002.**  
2       **SECTION 3. An emergency is declared for this act.**

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