



February 15, 2005

HOUSE BILL No. 1444

DIGEST OF HB 1444 (Updated February 8, 2005 6:01 pm - DI 77)

Citations Affected: IC 12-12.

Synopsis: Independent living services. Establishes the statewide independent living council. Requires the council to assist the division of disability, aging, and rehabilitative services (division) in the preparation of a state plan to provide independent living services and promote the development of a statewide network of centers for independent living. Authorizes state grants for centers for independent living. Requires the division to review certain centers receiving federal money for compliance with federal law.

Effective: July 1, 2005.

Kersey, Woodruff, Thomas

January 18, 2005, read first time and referred to Committee on Public Health.
February 14, 2005, reported — Do Pass.

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HB 1444—LS 7229/DI 92+



February 15, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1444



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 12-12-8-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this
3 chapter, "consumer control" means, with respect to a center for
4 independent living or an eligible agency, that:

- 5 (1) the center or eligible agency vests power and authority in
- 6 individuals with disabilities, including individuals who are or
- 7 have been recipients of independent living services; **and**
- 8 **(2) at least fifty-one percent (51%) of the center's board and**
- 9 **staff are individuals with disabilities.**

10 SECTION 2. IC 12-12-8-5 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2005]: **Sec. 5. As used in this chapter, "commissioner" means the**
13 **commissioner of the Rehabilitation Services Administration in the**
14 **United States Department of Education.**

15 SECTION 3. IC 12-12-8-6 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2005]: **Sec. 6. As used in this chapter, "council" means the**

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1 statewide independent living council established by section 12 of
2 this chapter.

3 SECTION 4. IC 12-12-8-7 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2005]: **Sec. 7. As used in this chapter, "federal act" refers to the
6 Federal Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and
7 amendments to that statute.**

8 SECTION 5. IC 12-12-8-8 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2005]: **Sec. 8. As used in this chapter, "individual with a
11 disability" means an individual who:**

- 12 (1) has a physical or mental impairment that substantially
- 13 limits a major life activity;
- 14 (2) has a record of an impairment described in subdivision
- 15 (1); or
- 16 (3) is regarded as having an impairment described in
- 17 subdivision (1).

18 SECTION 6. IC 12-12-8-9 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2005]: **Sec. 9. As used in this chapter, "individual with a
21 significant disability" means an individual who has a significant
22 physical or mental impairment that substantially limits the
23 individual's ability to:**

- 24 (1) function independently in the family or community; or
- 25 (2) obtain, maintain, or advance in employment.

26 SECTION 7. IC 12-12-8-10 IS ADDED TO THE INDIANA CODE
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
28 1, 2005]: **Sec. 10. As used in this chapter, "state plan" means the
29 materials jointly developed and submitted annually by the division
30 to the commissioner containing the state's proposals for the
31 following:**

- 32 (1) The provision of statewide independent living services.
- 33 (2) The development and support of a statewide network of
- 34 centers for independent living.
- 35 (3) Working relationships among:
 - 36 (A) programs providing independent living services and
 - 37 independent living centers; and
 - 38 (B) the vocational rehabilitation program administered by
 - 39 the division under the federal act and other programs
 - 40 providing services for individuals with disabilities.

41 SECTION 8. IC 12-12-8-11 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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- 1 1, 2005]: **Sec. 11. The division is designated as the state unit under**
- 2 **Title VII of the federal act and has the following responsibilities:**
- 3 (1) **To receive, account for, and disburse funds received by the**
- 4 **state under the federal act based on the state plan.**
- 5 (2) **To provide administrative support services to centers for**
- 6 **independent living programs.**
- 7 (3) **To keep records and take actions with respect to the**
- 8 **records as required by the commissioner.**
- 9 (4) **To submit additional information or provide assurances**
- 10 **with respect to the independent living programs as required**
- 11 **by the commissioner.**

12 SECTION 9. IC 12-12-8-12 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2005]: **Sec. 12. (a) There is established a statewide independent**
 15 **living council.**

- 16 (b) **The council consists of the following members:**
- 17 (1) **Fourteen (14) voting members appointed by the governor.**
- 18 (2) **One (1) voting member who is a director of a center for**
- 19 **independent living elected by the directors of all the centers**
- 20 **for independent living located in Indiana.**
- 21 (3) **The following nonvoting members:**
- 22 (A) **Each director of a center for independent living who is**
- 23 **not a voting member.**
- 24 (B) **A representative of the division who is knowledgeable**
- 25 **about the vocational rehabilitation program.**
- 26 (C) **A representative of the division who is knowledgeable**
- 27 **about services for individuals with disabilities.**
- 28 (D) **A representative of the bureau of aging and in-home**
- 29 **services.**
- 30 (E) **A representative of the Indiana state board of**
- 31 **education.**
- 32 (F) **A representative of the division of family and children.**

33 **The nonvoting members described in subdivision (3)(B) through**
 34 **(3)(F) must be appointed by the governor.**

- 35 (c) **The voting members appointed under subsection (b) must:**
- 36 (1) **provide statewide representation;**
- 37 (2) **represent a broad range of individuals with disabilities**
- 38 **from diverse backgrounds;**
- 39 (3) **be knowledgeable about centers for independent living and**
- 40 **independent living services; and**
- 41 (4) **include at least eight (8) members who:**
- 42 (A) **are individuals with significant disabilities; and**

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(B) are not employed by a state agency or a center for independent living.

SECTION 10. IC 12-12-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state polices and procedures established by the Indiana department of administration and approved by the budget agency.**

(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 11. IC 12-12-8-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) A member appointed to the council by the governor serves a term of three (3) years, beginning on July 1 after appointment. However, a member appointed to fill a vacancy on the council serves for the remainder of the unexpired term.**

(b) A member appointed to the council by the governor may not serve more than two (2) consecutive terms.

SECTION 12. IC 12-12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 15. If a vacancy occurs among the voting members of the council, the original appointing authority shall appoint a qualified individual to serve for the unexpired term of the vacating member.**

SECTION 13. IC 12-12-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) The council has the powers and duties specified in this chapter.**

- (b) The council may do the following:**
- (1) Jointly develop and sign the state plan in conjunction with the designated state unit.**
 - (2) Monitor, review, and evaluate the implementation of the state plan.**

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(3) Coordinate activities with the state rehabilitation council and other councils that address the needs of specific disability issues.

(4) Submit periodic reports to the funding sources and provide access to the records that are necessary to verify contents of the reports.

(5) Do other things necessary and proper to implement this chapter.

(c) The council shall ensure that all meetings of the council are open to the public and in accessible formats with sufficient advance public notice.

SECTION 14. IC 12-12-8-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 17. The council and the division shall jointly prepare the state plan that must be submitted annually to the commissioner.**

SECTION 15. IC 12-12-8-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 18. The council and the division may award grants to any eligible center for independent living that receives funds under Title VII, Part B of the federal act.**

SECTION 16. IC 12-12-8-19 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 19. The council and the division shall jointly appoint a peer review committee to make recommendations for grants to new organizations eligible to be centers for independent living.**

SECTION 17. IC 12-12-8-20 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 20. A center for independent living is eligible to receive money under this chapter as long as the center complies with the standards and assurances required under Section 725 of the federal act. A center that receives only state or federal funds under Title VII, Part B of the federal act is subject to review by the division. A center that receives federal funds under Title VII, Part C of the federal act is subject to review by the federal government. A finding of noncompliance must be supported by a written report from the peer review committee appointed under section 19 of this chapter.**

SECTION 18. IC 12-12-8-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 21. A center for independent**

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1 living that receives money under this chapter shall comply with the
2 standards and assurances required under the state plan and
3 Section 725 of the federal act. The center for independent living
4 shall provide the required assurances to the council.

5 SECTION 19. IC 12-12-8-22 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) If:

- 8 (1) there is no center for independent living serving a region
- 9 of Indiana or a region of Indiana is underserved; and
- 10 (2) the state receives an increase in its federal allotment that
- 11 is sufficient to support an additional center for independent
- 12 living in Indiana;

13 the council and the division may award a grant to an eligible
14 agency for a new center for independent living in the unserved or
15 underserved region. A grant awarded under this section must be
16 consistent with the provisions of the state plan establishing a
17 statewide network of centers for independent living.

18 (b) The council shall rank eligible agencies applying for a grant
19 under this section using the standards and assurances required
20 under Section 725 of the federal act. The council shall consider the
21 ability of the applicant to operate a center for independent living
22 and shall select an applicant using the following criteria:

- 23 (1) Evidence of the need for a center for independent living in
- 24 the applicant's region of Indiana that is consistent with the
- 25 state plan.
- 26 (2) The past performance of the applicant in providing
- 27 services comparable to independent living services.
- 28 (3) The applicant's plan for complying with, or demonstrated
- 29 compliance with, the standards and assurances set forth in
- 30 Section 725 of the federal act.
- 31 (4) The quality of the applicant's key personnel and the
- 32 involvement of individuals with significant disabilities.

33 SECTION 20. IC 12-12-8-23 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The division shall
36 periodically review each new center for independent living that
37 receives:

- 38 (1) money under Title VII, Part B of the federal act; or
- 39 (2) a grant under this chapter;
- 40 to determine whether the center is in compliance with the
- 41 standards and assurances set forth in Section 725 of the federal act.
- 42 (b) If the division determines that a center reviewed under

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1 subsection (a) is not in compliance with the standards and
2 assurances set forth in Section 725 of the federal act, the division
3 shall immediately notify the center of the division's determination
4 of noncompliance. A center may appeal the determination by
5 requesting a hearing from the office of the secretary not later than
6 thirty (30) days after receiving notice from the division.

7 (c) Except as provided in subsection (d), the division shall
8 terminate all funds to a center determined to be in noncompliance
9 under this section not later than ninety (90) days after the date of:

- 10 (1) the division's notification of noncompliance; or
- 11 (2) a final decision by the office of the secretary in the case of
- 12 a center that appeals the division's determination under
- 13 subsection (b).

14 (d) The division may not terminate the funds of a center for
15 independent living that is determined to be noncompliant with the
16 standards and assurances set forth in Section 725 of the federal act
17 if:

- 18 (1) the center submits to the division a plan for achieving
- 19 compliance within ninety (90) days; and
- 20 (2) the division approves the plan.

21 A plan required under this subsection must be submitted not later
22 than thirty (30) days after the center receives a notice of
23 noncompliance from the division under subsection (b).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1444, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BECKER, Chair

Committee Vote: yeas 9, nays 0.

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