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# HOUSE BILL No. 1519

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** None (noncode).

**Synopsis:** Developmental disabilities. Requires the office of Medicaid policy and planning to adopt rules concerning: (1) the criteria and process used to determine if a developmentally disabled individual qualifies for the level of care provided by an intermediate care facility for the mentally retarded; (2) the criteria and process used to determine the number of hours of care that a developmentally disabled individual needs in certain supervised group living settings; and (3) requirements for the supported living program and reimbursement system. Requires the division of disability, aging, and rehabilitative services to adopt rules to exempt certain accredited agencies from the supported living services requirements.

**Effective:** July 1, 2005.

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**Alderman**

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January 18, 2005, read first time and referred to Committee on Public Health.

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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. 1519



A BILL FOR AN ACT concerning human services.

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

1           SECTION 1. [EFFECTIVE JULY 1, 2005] (a) **Before July 1, 2006,**  
2 **the office of Medicaid policy and planning shall adopt rules under**  
3 **IC 4-22-2 that define the criteria and process used by the office of**  
4 **Medicaid policy and planning to determine if a developmentally**  
5 **disabled individual (as defined in IC 12-7-2-62) qualifies for the**  
6 **level of care provided by an intermediate care facility for the**  
7 **mentally retarded (ICF/MR). The rules must provide that a**  
8 **developmentally disabled individual (as defined in IC 12-7-2-62)**  
9 **qualifies for the level of care for an intermediate care facility for**  
10 **the mentally retarded (ICF/MR) if the individual's disability**  
11 **results in substantial functional limitations in at least three (3) of**  
12 **the following areas of major life activities:**  
13           (1) **Self-care.**  
14           (2) **Understanding and use of language.**  
15           (3) **Learning.**  
16           (4) **Mobility.**  
17           (5) **Self-direction.**  
18           (6) **Capacity for independent living.**



1 (b) Before July 1, 2006, the office of Medicaid policy and  
2 planning shall adopt rules under IC 4-22-2 that define the criteria  
3 and process used by the office of Medicaid policy and planning to  
4 determine the number of hours of care that a developmentally  
5 disabled individual (as defined in IC 12-7-2-62) needs in a  
6 supervised group living setting. The rules must provide that a  
7 developmentally disabled individual (as defined in IC 12-7-2-62) in  
8 the following types of supervised group living settings needs the  
9 following hours of care per resident day:

- 10 (1) Intensive training, six (6) hours.
- 11 (2) Developmental training, eight (8) hours.
- 12 (3) Basic development, ten (10) hours.
- 13 (4) Medically fragile, twelve (12) hours.
- 14 (5) Child rearing, eight (8) hours.
- 15 (6) Child rearing with specialized programs, ten (10) hours.
- 16 (7) Small residence with behavior management for children,  
17 twelve (12) hours.

18 (c) Before July 1, 2006, the office of Medicaid policy and  
19 planning shall adopt rules under IC 4-22-2 to amend the  
20 requirements under 405 IAC to require that the supported living  
21 program and reimbursement system contain the following  
22 components:

- 23 (1) Conduct of an independent assessment to determine the  
24 level of resources necessary to meet the needs of a  
25 developmentally disabled individual (as defined in  
26 IC 12-7-2-62) in a healthy and safe environment.
- 27 (2) Determination of the level of resources that are needed by  
28 a developmentally disabled individual (as defined in  
29 IC 12-7-2-62) using a funding matrix that differentiates  
30 between needs and service requirements for developmentally  
31 disabled individuals:
  - 32 (A) with family or other nonpaid supports; and
  - 33 (B) without family or other nonpaid supports.

- 34 (3) Requirement that individual support teams assist  
35 developmentally disabled individuals (as defined in  
36 IC 12-7-2-62) in developing and implementing individualized  
37 plans after resources have been allocated.

38 (d) This SECTION expires July 1, 2007.

39 SECTION 2. [EFFECTIVE JULY 1, 2005] (a) Before July 1, 2006,  
40 the division of disability, aging, and rehabilitative services shall  
41 adopt rules under IC 4-22-2 to amend 460 IAC 6 to provide that  
42 460 IAC 6 does not apply to an agency that is accredited by one (1)

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- 1 **of the following organizations:**
- 2 **(1) The Commission on Accreditation of Rehabilitation**
- 3 **Facilities (CARF) or its successor.**
- 4 **(2) The Council on Quality and Leadership in Supports for**
- 5 **People with Disabilities or its successor.**
- 6 **(3) The Joint Commission on Accreditation of Healthcare**
- 7 **Organizations (JCAHO) or its successor.**
- 8 **(4) The National Commission on Quality Assurance or its**
- 9 **successor.**
- 10 **(5) An independent national accreditation organization**
- 11 **approved by the secretary.**
- 12 **(b) This SECTION expires July 1, 2007.**

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