



January 23, 2009

HOUSE BILL No. 1049

DIGEST OF HB 1049 (Updated January 14, 2009 5:47 pm - DI 77)

Citations Affected: IC 2-5; IC 12-11; IC 12-12.7.

Synopsis: Change the name of the MRDD Commission. Changes the name of the "commission on mental retardation and developmental disabilities" to the "commission on developmental disabilities". Makes conforming changes. (The introduced version of this bill was prepared by the commission on mental retardation and developmental disabilities.)

Effective: July 1, 2009.

Klinker, Crouch, Day, Noe

January 7, 2009, read first time and referred to Committee on Public Health.
January 22, 2009, reported — Do Pass.

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HB 1049—LS 6066/DI 14+



January 23, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1049

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 2-5-27.2-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. As used in this
3 chapter, "commission" refers to the commission on ~~mental retardation~~
4 ~~and~~ developmental disabilities established under section 2 of this
5 chapter.

6 SECTION 2. IC 2-5-27.2-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. There is established
8 the commission on ~~mental retardation and~~ developmental disabilities
9 as a legislative study committee.

10 SECTION 3. IC 2-5-27.2-3 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The commission
12 consists of the following members:

13 (1) Two (2) members of the house of representatives appointed by
14 the speaker of the house of representatives. The members
15 appointed under this subdivision may not be members of the same
16 political party.

17 (2) Two (2) members of the senate appointed by the president pro

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1 tempore of the senate. The members appointed under this
 2 subdivision may not be members of the same political party.
 3 (3) The following members appointed by the governor:
 4 (A) Three (3) members at large.
 5 (B) One (1) member who is a consumer of ~~mental retardation~~
 6 or developmental disability services.
 7 (C) One (1) member who is a representative of advocacy
 8 groups for consumers of ~~mental retardation and~~ developmental
 9 disability services.
 10 (D) Two (2) members who are representatives of families of
 11 consumers of ~~mental retardation and~~ developmental disability
 12 services.
 13 (E) One (1) member who is a representative of an organization
 14 providing services to individuals with ~~mental retardation and~~
 15 developmental disabilities.

16 (b) The term of a commission member appointed under subsection
 17 (a)(3) is three (3) years.
 18 (c) The governor shall fill a vacancy of a member under subsection
 19 (a)(3) within ten (10) days after the vacancy occurs.
 20 (d) If:
 21 (1) the term of a member appointed under subsection (a)(3)
 22 expires;
 23 (2) the member is not reappointed; and
 24 (3) a successor is not appointed;
 25 the term of the member continues until a successor is appointed.

26 SECTION 4. IC 2-5-27.2-4, AS AMENDED BY P.L.99-2007,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2009]: Sec. 4. The commission shall do the following:
 29 (1) Develop a long range plan to stimulate further development of
 30 cost effective, innovative models of community based services,
 31 including recommendations that identify implementation
 32 schedules, plans for resource development, and appropriate
 33 regulatory changes.
 34 (2) Review and make recommendations regarding any unmet
 35 needs for ~~mental retardation and~~ developmental disability
 36 services, including the following:
 37 (A) Community residential and family support services.
 38 (B) Services for aging families caring for their children ~~who~~
 39 have ~~mental retardation~~ and adults with a developmental
 40 disability.
 41 (C) Services for families in emergency or crisis situations.
 42 (D) Services needed to move children and adults from nursing

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1 homes and state hospitals to the community.
 2 (3) Study and make recommendations for the state to use state
 3 employees or contract with a private entity to manage and
 4 implement home and community based services waivers under 42
 5 U.S.C. 1396n(c).
 6 (4) Study and make recommendations regarding state funding
 7 needed to provide supplemental room and board costs for
 8 individuals who otherwise qualify for residential services under
 9 the home and community based services waivers.
 10 (5) Monitor and recommend changes for improvements in the
 11 implementation of home and community based services waivers
 12 managed by the state or by a private entity.
 13 (6) Review and make recommendations regarding the
 14 implementation of the comprehensive plan prepared by the
 15 developmental disabilities task force established by P.L.245-1997,
 16 SECTION 1.
 17 (7) Review and make recommendations regarding the
 18 development by the division of disability and rehabilitative
 19 services of a statewide plan to address quality assurance in
 20 community based services.
 21 (8) Annually review the infants and toddlers with disabilities
 22 program established under IC 12-12.7-2.
 23 SECTION 5. IC 12-11-13-13 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) The ombudsman
 25 shall prepare a report each year on the operations of the program.
 26 (b) A copy of the report required under subsection (a) shall be
 27 provided to the following:
 28 (1) The governor.
 29 (2) The legislative council. The report must be in an electronic
 30 format under IC 5-14-6.
 31 (3) The division.
 32 (4) The members of the ~~Indiana~~ commission on ~~mental retardation~~
 33 ~~and~~ developmental disabilities established by ~~P.L.78-1994~~.
 34 **IC 2-5-27.2-2.**
 35 SECTION 6. IC 12-11-13-14 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. The ombudsman
 37 shall report:
 38 (1) annually; or
 39 (2) upon request;
 40 to the ~~Indiana~~ commission on ~~mental retardation~~ and developmental
 41 disabilities established by ~~P.L.78-1994~~. **IC 2-5-27.2-2.**
 42 SECTION 7. IC 12-12.7-2-19, AS ADDED BY P.L.93-2006,

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1 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2009]: Sec. 19. The budget agency shall annually report to the
 3 health finance commission, the budget committee, and the commission
 4 on ~~mental retardation and~~ developmental disabilities the following
 5 information concerning the funding of the program under this chapter:
 6 (1) The total amount billed to a federal or state program each state
 7 fiscal year for services provided under this chapter, including the
 8 following programs:
 9 (A) Medicaid.
 10 (B) The children's health insurance program.
 11 (C) The federal Temporary Assistance for Needy Families
 12 (TANF) program (45 CFR 265).
 13 (D) Any other state or federal program.
 14 (2) The total amount billed each state fiscal year to an insurance
 15 company for services provided under this chapter and the total
 16 amount reimbursed by the insurance company.
 17 (3) The total copayments collected under this chapter each state
 18 fiscal year.
 19 (4) The total administrative expenditures.
 20 The report must be submitted before September 1 for the preceding
 21 state fiscal year in an electronic format under IC 5-14-6.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1049, 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.

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

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