



April 2, 2013

ENGROSSED
SENATE BILL No. 500

DIGEST OF SB 500 (Updated April 1, 2013 12:17 pm - DI 104)

Citations Affected: IC 12-11.

Synopsis: Residential settings for developmentally disabled individuals. Allows certain community based residential services providers who: (1) were in existence on January 1, 2013; (2) have more than 4 individuals with developmental disabilities residing in the program; and (3) are converting from a supervised group living program to a supported living service arrangement; to continue to provide services to the same number of individuals in the supported living setting.

Effective: July 1, 2013.

Miller Patricia, Stoops

(HOUSE SPONSOR — CLERE)

January 14, 2013, read first time and referred to Committee on Health and Provider Services.

February 7, 2013, amended, reported favorably — Do Pass.

February 11, 2013, read second time, ordered engrossed.

February 12, 2013, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Public Health.

April 2, 2013, reported — Do Pass.

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ES 500—LS 6573/DI 104+



April 2, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 500

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 12-11-1.1-1, AS AMENDED BY P.L.154-2012,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 1. (a) The bureau of developmental disabilities
4 services is established within the division.
5 (b) The bureau shall plan, coordinate, and administer the provision
6 of individualized, integrated community based services for individuals
7 with a developmental disability and their families, within the limits of
8 available resources. The planning and delivery of services must be
9 based on future plans of the individual with a developmental disability
10 rather than on traditional determinations of eligibility for discrete
11 services, with an emphasis on the preferences of the individual with a
12 developmental disability and that individual's family.
13 (c) Services for individuals with a developmental disability must be
14 services that meet the following conditions:
15 (1) Are provided under public supervision.
16 (2) Are designed to meet the developmental needs of individuals
17 with a developmental disability.

ES 500—LS 6573/DI 104+



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- 1 (3) Meet all required state and federal standards.
- 2 (4) Are provided by qualified personnel.
- 3 (5) To the extent appropriate, are provided in home and
- 4 community based settings in which individuals without
- 5 disabilities participate.
- 6 (6) Are provided in conformity with a service plan developed
- 7 under IC 12-11-2.1-2.
- 8 (d) The bureau shall approve entities to provide community based
- 9 services and supports as follows:
 - 10 (1) Beginning July 1, 2011, the bureau shall ensure that an entity
 - 11 approved to provide day services, identified day habilitation,
 - 12 including facility based or community based habilitation,
 - 13 prevocational services, or employment services under home and
 - 14 community based services waivers is accredited by an approved
 - 15 national accrediting body described in subsection (j).
 - 16 (2) Beginning July 1, 2012, the bureau shall ensure that an entity
 - 17 approved to provide residential habilitation and support services
 - 18 under home and community based services waivers is accredited
 - 19 by an approved national accrediting body. However, if an entity
 - 20 is accredited to provide home and community based services
 - 21 under subdivision (1) other than residential habilitation and
 - 22 support services, the bureau may extend the time that the entity
 - 23 has to comply with this subdivision until the earlier of the
 - 24 following:
 - 25 (A) The completion of the entity's next scheduled accreditation
 - 26 survey.
 - 27 (B) July 1, 2015.
 - 28 (e) Subject to subsection (k), the bureau shall initially approve,
 - 29 reapprove, and monitor community based residential, habilitation, and
 - 30 employment service providers that provide alternatives to placement of
 - 31 individuals with a developmental disability in state institutions and
 - 32 health facilities licensed under IC 16-28 for individuals with a
 - 33 developmental disability. The services must simulate, to the extent
 - 34 feasible, patterns and conditions of everyday life that are as close as
 - 35 possible to normal. The community based service categories include
 - 36 the following:
 - 37 (1) Supervised group living programs, which serve at least four
 - 38 (4) individuals and not more than eight (8) individuals, are funded
 - 39 by Medicaid, and are licensed by the community residential
 - 40 facilities council.
 - 41 (2) Supported living service arrangements to meet the unique
 - 42 needs of individuals in integrated settings. Supported living

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1 service arrangements providing residential services may not serve
2 more than four (4) unrelated individuals in any one (1) setting.

3 **However, a program that:**

4 **(A) is in existence on January 1, 2013, as a supervised**
5 **group living program described in subdivision (1); and**

6 **(B) has more than four (4) individuals residing as part of**
7 **the program;**

8 **may convert to a supported living service arrangement under**
9 **this subdivision and continue to provide services to up to the**
10 **same number of individuals in the supported living setting.**

11 However, the head of the bureau shall waive this limitation for a
12 setting providing residential services to more than four (4)
13 unrelated individuals in any one (1) setting if the setting was in
14 existence on June 30, 1999.

15 (f) To the extent that services described in subsection (e) are
16 available and meet the individual's needs, an individual is entitled to
17 receive services in the least restrictive environment possible.

18 (g) Community based services under subsection (e)(1) or (e)(2)
19 must consider the needs of and provide choices and options for:

20 (1) individuals with a developmental disability; and

21 (2) families of individuals with a developmental disability.

22 (h) The bureau shall administer a system of service coordination to
23 carry out this chapter.

24 (i) The bureau may issue orders under IC 4-21.5-3-6 against a
25 provider that violates rules issued by the bureau for programs in which
26 the provider is providing services in accordance with section 11 of this
27 chapter.

28 (j) For purposes of subsections (d) and (k), "approved national
29 accrediting body" means any of the following:

30 (1) The Commission on Accreditation of Rehabilitation Facilities
31 (CARF), or its successor.

32 (2) The Council on Quality and Leadership In Supports for People
33 with Disabilities, or its successor.

34 (3) The Joint Commission on Accreditation of Healthcare
35 Organizations (JCAHO), or its successor.

36 (4) The National Committee for Quality Assurance, or its
37 successor.

38 (5) The ISO-9001 human services QA system.

39 (6) The Council on Accreditation, or its successor.

40 (7) An independent national accreditation organization approved
41 by the secretary.

42 (k) An entity that is accredited by an approved national accrediting

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1 body is not subject to reapproval surveys or routine monitoring surveys
2 by the division, bureau, or bureau of quality improvement services,
3 including any reapproval survey under a home and community based
4 services waiver. However, the bureau may perform validation surveys
5 and complaint investigations of an entity accredited by an approved
6 national accrediting body.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 500, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 2, delete "," and insert ". **However, a program that: (A) is in existence on January 1, 2013, as a supervised group living program described in subdivision (1); and (B) has more than four (4) individuals residing as part of the program; may convert to a supported living service arrangement under this subdivision and continue to provide services to up to the same number of individuals in the supported living setting.**"

Page 3, delete lines 3 through 5.

Page 3, line 6, delete "individuals may be served in any one (1) setting."

and when so amended that said bill do pass.

(Reference is to SB 500 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 7, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 500, 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.

CLERE, Chair

Committee Vote: yeas 12, nays 0.

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