

Proposed Rule
LSA Document #07-226

DIGEST

Amends [431 IAC 1.1-2](#) to add and define a new category of community residential facilities for persons with developmental disabilities that will serve adults who need extensive behavioral supports. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[431 IAC 1.1-1-2](#)

SECTION 1. [431 IAC 1.1-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[431 IAC 1.1-1-2](#) Types of facilities defined

Authority: [IC 12-28-5-10](#); [IC 12-28-5-19](#)

Affected: [IC 12-7-2](#); [IC 12-28-5](#)

Sec. 2. "Community residential facility for persons with developmental disabilities" means a residential facility, as defined by [IC 12-7-2](#), ~~which that~~ is operated for the purpose of providing one (1) of the following types of services to four (4) to eight (8) persons with developmental disabilities:

- (1) "Adult support residence" means a home or an apartment staffed by personnel ~~which that~~ provides assistance with activities of daily living **and** transportation and other assistance to residents with developmental disabilities other than mental retardation to enable them to function in the community and within the home. The residence shall include specialized equipment, communication devices, and environmental controls as needed for the residents to enhance their ability to participate in activities of life.
- (2) "Basic developmental residence" means a home or apartment setting for adults, staffed and supervised by personnel, to provide training for those individuals functioning at severe and profound levels of developmental disabilities in one (1) or more of the following areas:
 - (A) Activities of daily living.
 - (B) Communication.
 - (C) Behavioral training.
 - (D) Behavior management.
- (3) "Child rearing residence" means a home for children only, staffed by personnel, ~~which that~~ provides developmental training and support in specific areas for residents who function on a similar behavioral level.
- (4) "Child rearing residence with a specialized program" means a home for children only ~~which that~~ provides developmental training and support in specific areas. The home must be **staffed by either or both of the following:**
 - (A) ~~staffed by~~ Personnel ~~and/or~~ **or** behavior management consultants, **or both**, who develop and monitor behavioral training. ~~and/or~~
 - (B) ~~staffed by~~ Personnel trained to provide intense personal assistance with activities of daily living due to physical limitations.
- (5) "Developmental training residence" means a home or apartment for adults, staffed and supervised by personnel, to provide assistance and training for residents to promote their developmental growth in one (1) or more of the following areas:**
 - (A) Activities of daily living.**
 - (B) Behavioral training.**
 - (C) Behavioral management.**
 - (D) Communication.**
 - (E) Personal adjustment.**
 - (F) Leisure time.**
 - (G) Use of community resources.**
- ~~(5)~~ **(6) "Intensive training residence" means a home or apartment for adults, staffed by personnel, which that** provides a system of structured, individualized supports and comprehensive training for residents to progress to a less restrictive setting in one (1) or more of the following areas:
 - (A) Activities of daily living.

- (B) Behavioral training.
- (C) Behavior management.
- (D) Communication.
- (E) Leisure time.

~~(6)~~ "Developmental training residence" means a home or apartment for adults, staffed and supervised by personnel, to provide assistance and training for residents to promote their developmental growth in one (1) or more of the following areas:

- ~~(A) Activities of daily living.~~
- ~~(B) Behavioral training.~~
- ~~(C) Behavioral management.~~
- ~~(D) Communication.~~
- ~~(E) Personal adjustment.~~
- ~~(F) Leisure time.~~
- ~~(G) Use of community resources.~~

(7) "Residence for adults with extensive support needs" means a residential setting as follows with supports and services for adults with extensive supervision needs and intense behavioral support needs that has:

(A) A behavior support plan supervised by a behavioral consultant to develop and monitor behavior training, developmental training, and support in specific areas for all individuals receiving services who function on a similar level.

(i) The behavioral consultant or consultants must have twenty-four (24) hour availability and must be familiar with the specific needs of the consumers in the home.

(ii) The behavioral consultant or consultants must provide at least ten (10) hours per week of behavior services in the home for direct monitoring, assessment, intervention, and staff training.

(iii) Psychiatric services must be available to meet the needs of the individual or individuals.

(B) A residence for adults with extensive support needs must provide the following:

(i) A continuous active treatment program to address the extensive positive behavioral support needs of the individuals receiving services.

(ii) Training for individuals receiving services to address community integration skill needs, including training in one (1) or more of the following areas:

(AA) Activities of daily living.

(BB) Communication.

(CC) Personal maintenance and development.

(DD) Behavior supports with emphasis on positive measures.

(EE) Leisure time.

(FF) Active treatment.

(GG) Home skills.

(C) A residence under this subdivision shall not have more than four (4) beds.

~~(7)~~ **(8) "Sheltered living residence" means a home or apartment for adults, staffed by personnel, which that** provides training for residents to achieve an independent lifestyle in one (1) or more of the following areas:

- (A) Activities of daily living.
- (B) Behavioral training.
- (C) Behavior management.
- (D) Communication.
- (E) Use of community resources.

~~(8)~~ **(9) "Small behavior management residence for children" means a home exclusively for children which that:**

(A) has a behavior management program staffed by a behavior management consultant or personnel to develop and monitor behavioral training, developmental training, and support in specific areas for all residents who function on a similar level; and

(B) does not have more than six (6) beds.

~~(9)~~ **(10) "Small residence for adults with extensive medical needs" means a residence which that is exclusively for adults with extensive medical needs and meets the following requirements:**

(A) A residence for adults with extensive medical needs must provide the following:

(i) A medical management program to address the extensive medical needs of the residents. and

(ii) Training for residents to address deficits in basic skills, including training in one (1) or more of the following areas:

(AA) Activities of daily living.

(BB) Communication.

(CC) Personal adjustment.

(DD) Behavior management.

(EE) Behavior training.

(FF) Leisure time.

(GG) Use of community resources.

(B) A residence under this subdivision shall have four (4) beds.

(Community Residential Facilities Council; [431 IAC 1.1-1-2](#); filed Sep 30, 1991, 1:40 p.m.: 15 IR 96; filed Nov 2, 1992, 5:00 p.m.: 16 IR 850; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2373; filed Nov 13, 1997, 12:05 p.m.: 21 IR 1342; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528; filed Jun 10, 2002, 2:30 p.m.: 25 IR 3126; errata filed Aug 22, 2002, 3:13 p.m.: 26 IR 36)

[Notice of Public Hearing](#)

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