

## **ARTICLE 12. SUPPORTED LIVING SERVICES AND SUPPORTS**

### **Rule 1. Purpose**

#### **460 IAC 12-1-1 Purpose**

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. The purpose of this article is to establish standards for the approval of providers of supported living services and supports to individuals with a developmental disability. *(Division of Disability and Rehabilitative Services; 460 IAC 12-1-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3640; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-1-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-1-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

### **Rule 2. Applicability**

#### **460 IAC 12-2-1 Providers of services**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This article applies to the approval of providers of supported living services or supported living supports. *(Division of Disability and Rehabilitative Services; 460 IAC 12-2-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3640; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-2-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-2-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

### **Rule 3. Definitions**

#### **460 IAC 12-3-1 Applicability of definitions**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. The definitions in this rule apply throughout this article. *(Division of Disability and Rehabilitative Services; 460 IAC 12-3-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-3-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-3-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

#### **460 IAC 12-3-2 Definitions incorporated by reference**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. The council incorporates by reference into this rule the definitions set forth in 460 IAC 6-3. *(Division of Disability and Rehabilitative Services; 460 IAC 12-3-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-3-2) to the Division of Disability and Rehabilitative Services (460 IAC 12-3-2) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

### **Rule 4. Types of Supported Living Services and Supports**

#### **460 IAC 12-4-1 Incorporation by reference**

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1; IC 12-28-5

Sec. 1. The council incorporates by reference into this rule the types of supported living services and supports set forth in 460 IAC 6-4-1. *(Division of Disability and Rehabilitative Services; 460 IAC 12-4-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted*

*filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-4-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-4-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

## **Rule 5. Provider Qualifications**

### **460 IAC 12-5-1 Applicability**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. *(Division of Disability and Rehabilitative Services; 460 IAC 12-5-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-5-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-5-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

### **460 IAC 12-5-2 Incorporation by reference**

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. The council incorporates by reference into this rule the provider qualifications and provisions set forth in 460 IAC 6-5. *(Division of Disability and Rehabilitative Services; 460 IAC 12-5-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-5-2) to the Division of Disability and Rehabilitative Services (460 IAC 12-5-2) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

## **Rule 6. Application and Approval Process**

### **460 IAC 12-6-1 Applicability**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. *(Division of Disability and Rehabilitative Services; 460 IAC 12-6-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-1) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

### **460 IAC 12-6-2 Initial application**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. To receive initial approval as a supported living services or supports provider, BDDS shall submit findings to the council regarding the following for each supported living service or support for which the applicant is seeking to be an approved provider:

(1) The application on a form prescribed by the BDDS.

(2) Evidence that the provider meets the qualifications for each supported living service or support that the provider is seeking to be approved to provide as specified in this article.

(3) Supporting documents specified on the application form to demonstrate the applicant's programmatic, financial, and managerial ability to provide supported living services or supports as set out in this article.

(4) A written and signed statement that the applicant will comply with the provisions of this article.

(5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's ISP.

*(Division of Disability and Rehabilitative Services; 460 IAC 12-6-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul*

20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-2) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-2) by P.L.229-2011, SECTION 154, effective July 1, 2011.

**460 IAC 12-6-3 Action on application**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 3. (a) The council, upon review of the recommendation of the BDDS, shall determine whether an applicant meets the requirements under this article.

(b) Upon review of the findings of the BDDS, the council shall either:

(1) approve the applicant for a period not to exceed three (3) years; or

(2) deny approval to an applicant that does not meet the approval requirements of this article.

(c) The council shall notify an applicant, in writing, of the council's determination within sixty (60) days of submission of a completed application.

(d) If an applicant is adversely affected or aggrieved by the council's determination, the applicant may request administrative review of the determination. Such request shall be made in writing and filed with the council within fifteen (15) days after the applicant receives written notice of the council's determination. Administrative review shall be conducted pursuant to IC 4-21.5. (Division of Disability and Rehabilitative Services; 460 IAC 12-6-3; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-3) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-3) by P.L.229-2011, SECTION 154, effective July 1, 2011.

**460 IAC 12-6-4 Additional approvals; bureau of developmental disabilities services**

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1-1; IC 12-28-5-11

Sec. 4. Before beginning to provide supported living services or supports under this article, a provider shall also be approved by the BDDS pursuant to IC 12-11-1.1-1(e). (Division of Disability and Rehabilitative Services; 460 IAC 12-6-4; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-4) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-4) by P.L.229-2011, SECTION 154, effective July 1, 2011.

**460 IAC 12-6-5 Renewal of approval**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 5. (a) A provider of supported living services or supports shall file a written request for renewal of the council's approval at least ninety (90) days prior to expiration of the council's previous approval. The written request shall include an assessment of provider performance developed by the council.

(b) Upon receiving a request for renewal of approved status, the council shall determine whether a provider continues to meet the requirements of this article.

(c) The BDDS shall provide to the council:

(1) a recommendation concerning the renewal of the council's approval; and

(2) any other information requested by the council.

(d) The council's determination on renewal of approval shall be based on verification that:

(1) the provider continues to meet the requirements of this article;

(2) the provider's operations have been surveyed either:

(A) within the preceding twelve (12) months; or

(B) as part of the renewal process; and

(3) there are no outstanding issues that endanger the health or safety of an individual receiving services from the provider.

(e) In considering a request for the renewal of approval, the council shall either:

(1) approve the applicant for a period not to exceed three (3) years;

(2) issue provisional approval to an applicant that does not qualify for approval under this article but that provides satisfactory evidence that the applicant will qualify within a period prescribed by the council, with the period not to exceed six (6) months; or

(3) deny approval to an applicant that does not meet the approval requirements of this article.

(f) The council shall notify a provider, in writing, of the council's determination at least thirty (30) days prior to the expiration of the provider's approval under this section, provided that:

(1) the provider has complied with subsection (a); and

(2) the council has received the information required in subsection (c).

(g) If a provider has complied with subsection (a) and if the council does not act upon the provider's request for renewal of approved status before the expiration of the provider's approved status, the provider's approved status shall continue until such time as the council acts upon the provider's request for renewal of approved status.

(h) If a provider is adversely affected or aggrieved by the council's determination, the provider may request administrative review of the determination. The request shall be made in writing and filed with the council within fifteen (15) days after the provider receives written notice of the determination. Administrative review shall be conducted pursuant to IC 4-21.5. *(Division of Disability and Rehabilitative Services; 460 IAC 12-6-5; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-5) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-5) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

#### **460 IAC 12-6-6 Application to provide additional services**

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 6. (a) A provider seeking approval to provide an additional supported living service or support shall comply with section 2 of this rule.

(b) A provider seeking approval to provide an additional supported living service or support shall submit to the council an assessment of provider performance developed by the council.

(c) The BDDS shall provide to the council:

(1) a recommendation concerning the council's approval of the provider to provide additional services; and

(2) any other information requested by the council.

(d) Approval to provide additional supported living services or supports shall be granted by the council only if:

(1) the provider meets the requirements under this article;

(2) the provider's operations have been surveyed either:

(A) within the preceding twelve (12) months; or

(B) as part of the approval process to provide additional services; and

(3) there are no outstanding issues that endanger the health or safety of an individual.

*(Division of Disability and Rehabilitative Services; 460 IAC 12-6-6; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-6-6) to the Division of Disability and Rehabilitative Services (460 IAC 12-6-6) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

#### **Rule 7. Revocation of Approval; Administrative Review**

##### **460 IAC 12-7-1 Applicability**

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. *(Division of Disability and Rehabilitative Services; 460 IAC 12-7-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-7-1) to the Division of Disability and*

*Rehabilitative Services (460 IAC 12-7-1) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

**460 IAC 12-7-2 Revocation of approval**

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 4-21.5-3; IC 12-28-5

Sec. 2. The council shall revoke the approval of a provider under this rule that no longer meets the qualifications established under 431 IAC 7-5 after following the procedures prescribed by IC 4-21.5-3. *(Division of Disability and Rehabilitative Services; 460 IAC 12-7-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-7-2) to the Division of Disability and Rehabilitative Services (460 IAC 12-7-2) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

**460 IAC 12-7-3 Notice of intent to revoke approval**

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 3. (a) The council shall give written notice of the council's intent to revoke the approval of a provider to:

- (1) the provider;
- (2) the individual or individuals receiving services from the provider;
- (3) the legal representative, if applicable, of any individual receiving services from the provider;
- (4) the case manager of each individual receiving services from the provider; and
- (5) the director of BDDS.

(b) The written notice under subsection (a) shall include the following:

- (1) The requirements of this article which the provider does not meet.
- (2) The effective date, with at least thirty (30) days' notice, of the council's revocation of the provider's approval.
- (3) The need for planning to obtain alternative services for an individual or individuals.
- (4) The provider's right to seek administrative review of the council's action.

*(Division of Disability and Rehabilitative Services; 460 IAC 12-7-3; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-7-3) to the Division of Disability and Rehabilitative Services (460 IAC 12-7-3) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

**460 IAC 12-7-4 Administrative review**

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 4. (a) To qualify for administrative review of an action or determination of the council under this rule, a provider shall file a written petition for review that does the following:

- (1) States facts demonstrating that the provider is:
  - (A) a provider to whom the action is specifically directed;
  - (B) aggrieved or adversely affected by the action; or
  - (C) entitled to review under any law.

(2) Is filed with the council within fifteen (15) days after the provider receives notice of the council's action or determination.

(b) Administrative review shall be conducted in accordance with IC 4-21.5. *(Division of Disability and Rehabilitative Services; 460 IAC 12-7-4; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643; readopted filed Jul 20, 2009, 11:24 a.m.: 20090819-IR-431090367RFA) NOTE: Transferred from the Community Residential Facilities Council (431 IAC 7-7-4) to the Division of Disability and Rehabilitative Services (460 IAC 12-7-4) by P.L.229-2011, SECTION 154, effective July 1, 2011.*

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