

TITLE 431

COMMUNITY RESIDENTIAL FACILITIES COUNCIL

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ARTICLE 1. COMMUNITY RESIDENTIAL FACILITIES FOR DEVELOPMENTALLY DISABLED PERSONS (*REPEALED*)

(Repealed by Community Residential Facilities Council; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103)

ARTICLE 1.1. COMMUNITY RESIDENTIAL FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES

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Rule 1. Definitions

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- 431 IAC 1.1-1-17 “Residential facility” defined
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431 IAC 1.1-1-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-7-2; IC 12-28-5

Sec. 1. The definitions in this rule apply throughout this article. (*Community Residential Facilities Council; 431 IAC 1.1-1-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 96; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

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 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 provides assistance with activities of daily living, 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 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 provides developmental training and support in specific areas. The home must be:

(A) staffed by personnel and/or behavior management consultants 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) “Intensive training residence” means a home or apartment for adults, staffed by personnel, which 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) “Sheltered living residence” means a home or apartment for adults, staffed by personnel, which 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) “Small behavior management residence for children” means a home exclusively for children which:

(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) “Small residence for adults with extensive medical needs” means a residence, which is exclusively for adults with extensive medical needs and meets the following requirements:

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

(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)

431 IAC 1.1-1-3 “Activities of daily living” defined

Authority: IC 12-28-5-19

Affected: IC 12-7-2; IC 12-28-5

Sec. 3. “Activities of daily living” means the basic skills of everyday living such as toileting, bathing, dressing, grooming, and eating and the skills necessary to maintain the normal routines of the day, such as house-keeping, shopping, and preparing meals. The term also includes exercising personal, social, and communications skills. *(Community Residential Facilities Council; 431 IAC 1.1-1-3; filed Sep 30, 1991, 1:40 p.m.: 15 IR 96; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 1.1-1-4 “Administrator” defined

Authority: IC 12-28-5-19

Affected: IC 12-7-2; IC 12-28-5

Sec. 4. “Administrator” means an individual who has the necessary authority and responsibility for management of the facility and implementation of administrative and operational policies. *(Community Residential Facilities Council; 431 IAC 1.1-1-4; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 1.1-1-5 “Behavior management” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 5. “Behavior management” means the manipulation of, or creation of, an environment to decrease maladaptive behaviors or to increase appropriate behaviors. Such techniques are defined in Client Behavior and Facility Practices, 42 CFR 483.450(b) through 42 CFR 483.450(e) (10-1-95). (*Community Residential Facilities Council; 431 IAC 1.1-1-5; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2374; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-6 “Case manager” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 6. “Case manager” means a person employed by the division who makes every effort to assure that individual clients are identified, placed in an appropriate and least restrictive environment for receiving service, and receive services which are appropriate to their needs. (*Community Residential Facilities Council; 431 IAC 1.1-1-6; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-7 “Children” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 7. “Children” means individuals who are less than eighteen (18) years of age, or persons eighteen (18) years of age or over who continue to be enrolled in a public school program. (*Community Residential Facilities Council; 431 IAC 1.1-1-7; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-8 “Council” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 8. “Council” means the community residential facilities council as authorized by IC 12-7-2. (*Community Residential Facilities Council; 431 IAC 1.1-1-8; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-9 “Council staff” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 9. “Council staff” means individuals designated

by the division of aging and rehabilitative services and the division of mental health to assist the council in accomplishing its functions. (*Community Residential Facilities Council; 431 IAC 1.1-1-9; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-10 “Day service” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 10. “Day service” means a program of services as described in IC 12-11-2 [IC 12-11-2 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.]. (*Community Residential Facilities Council; 431 IAC 1.1-1-10; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-11 “Division” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 11. “Division” means the division of aging and rehabilitative services or its duly authorized agent. (*Community Residential Facilities Council; 431 IAC 1.1-1-11; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-12 “Developmental disability” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2-61; IC 12-28-5

Sec. 12. “Developmental disability” means a disability as defined by IC 12-7-2-61. (*Community Residential Facilities Council; 431 IAC 1.1-1-12; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-13 “Interdisciplinary team” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 13. “Interdisciplinary team” means those individuals who have responsibility for making decisions about and implementing individual program plans. The team may include, but is not limited to, the resident, his or her legal guardian, any representative of the resident's choice, case manager, and representatives from agencies who provide a direct service for the resident. (*Community Residential Facilities Council; 431 IAC 1.1-1-13; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-14 “Intermediate care facility for the mentally retarded” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 14. “Intermediate care facility for the mentally retarded” has the meaning as described in 42 CFR 483.400 through 42 CFR 483.480 (10-1-95). (*Community Residential Facilities Council; 431 IAC 1.1-1-14; filed Sep 30, 1991, 1:40 p.m.: 15 IR 97; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2374; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-15 “Life safety training” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 15. “Life safety training” means instruction in basic first aid procedures such as stopping severe bleeding, treating burns, etc., emergency evacuation procedures, and other relevant training oriented to maintaining a safe environment. (*Community Residential Facilities Council; 431 IAC 1.1-1-15; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-16 “Provider” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5-12

Sec. 16. “Provider” means an approved entity as defined in IC 12-28-5-12 which holds a license to operate a supervised group living program at a specific address. (*Community Residential Facilities Council; 431 IAC 1.1-1-16; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-17 “Residential facility” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 17. “Residential facility” means a home in which a program as defined in IC 12-11-1-1(1) through IC 12-11-1-1(4) [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*] is carried out. (*Community Residential Facilities Council; 431 IAC 1.1-1-17; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; filed Nov 2, 1992, 5:00 p.m.: 16 IR 851; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-18 “Residential staff” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-7-2; IC 12-28-5

Sec. 18. “Residential staff” means all persons responsible for providing training, habilitation, and support in the residential setting. (*Community Residential Facilities Council; 431 IAC 1.1-1-18; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-1-19 “Supervised group living” defined**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 19. “Supervised group living” means a residence as set forth in IC 12-11-1-1(1) [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*]. (*Community Residential Facilities Council; 431 IAC 1.1-1-19; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; filed Nov 2, 1992, 5:00 p.m.: 16 IR 852; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

Rule 2. Licensing Procedures

431 IAC 1.1-2-1 Approved provider status

431 IAC 1.1-2-2 General licensing process

431 IAC 1.1-2-3 Licensure actions

431 IAC 1.1-2-1 Approved provider status**Authority:** IC 12-28-5-19**Affected:** IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 1. (a) Any prospective provider in order to lawfully establish, conduct, operate, or maintain a residential facility as defined in IC 12-11-1-1(1) [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*] shall demonstrate to the satisfaction of the council that it has the programmatic, financial, and management ability to operate a supervised group living residence.

(b) The prospective provider shall submit to the staff of the council professional and financial references and such additional program, policy, and operational documents as necessary to make a judgment that the prospective provider has the ability to operate a supervised group living residence for persons with developmental disabilities. Such documents shall include, but are not limited to, the following:

(1) A corporate or partnership structure if the prospective provider is a corporation or partnership.

(2) An organizational chart delineating job titles, lines of authority, and scope of responsibility.

(3) A policy and procedure manual.

(4) A program description.

(c) The prospective provider shall be notified in writing of its approval as a provider.

(d) In the event that a prospective provider is denied approval, the prospective provider shall be notified of

that action by certified mail. The prospective provider may appeal that action by requesting a hearing by the council; such request is to be made in writing within fifteen (15) days of notification of denial by the council, under IC 4-21.5.

(e) Designation as an approved provider shall not be construed as authorization to develop a supervised group living program as defined in IC 12-11-1-1(1) [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*]. Such authorization shall be made by the division. (*Community Residential Facilities Council; 431 IAC 1.1-2-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; filed Nov 2, 1992, 5:00 p.m.: 16 IR 852; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-2-2 General licensing process

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 2. (a) A license for a new residential facility shall be obtained as follows:

- (1) The provider shall obtain approved provider status under section 1 of this rule.
- (2) The provider who has been given preliminary approval to proceed with development of a residence shall submit a written letter of intent to the division, indicating its intention to develop a specific residence in a specific county for a specific number of residents.
- (3) The provider shall submit to the division a letter of support from the division's case manager with responsibility for placement of individuals in the proposed residence which supports the need for the residence in compliance with the council's assessment of needs and indicates the appropriate licensure designation for the residence as defined in 431 IAC 1.1-1-2.
- (4) The provider shall notify the affected day service agency of the proposed development of a residence and obtain a letter of commitment for day services.
- (5) The division shall notify the provider in writing of the approval to proceed with development.
- (6) Failure to submit a letter of intent within nine (9) months of receiving preliminary approval to proceed from the division or to open a residence within nine (9) months of receiving the division's approval to proceed may result in withdrawal of approval to proceed unless the provider can demonstrate that such delays were due to circumstances beyond its control or in the best interest of prospective residents.
- (7) The division may request architectural plans for review and approval. The residence must be in compliance with applicable building codes under IC 22-12.
- (8) The facility must meet the requirements of 431 IAC 3.1 or 431 IAC 4 for life safety.

(9) When automatic sprinkler systems are installed, they shall be installed in accordance with National Fire Protection Association (NFPA) Standard 13 or 13R. The installation shall be certified in writing by the design professional as being in full compliance with applicable NFPA standards. The edition of NFPA 13 or NFPA 13R to be used for such certification shall be that edition most recently adopted by the fire prevention and building safety commission in Title 675 of the Indiana Administrative Code. The original of such certification shall be retained at the facility at all times that the facility is licensed by the division, and a copy shall be provided to the division at the time of initial licensure.

(10) The division or its designated agent may give written approval for occupancy of a residential facility pending confirmation by the council if:

(A) the residential facility has been surveyed and found to be in substantial compliance with this article; and

(B) the residential facility has been inspected and found to be in substantial compliance with 431 IAC 3.1 or 431 IAC 4.

(b) A license for an existing facility that proposes a change in the type of service or capacity of the home is obtained as follows:

(1) The provider shall submit a written letter to the division indicating its intention to:

(A) change licensure type for an existing residence; or

(B) change the capacity of an existing residence.

(2) The provider shall submit a letter of support from the division's case manager with responsibility for approving placement of individuals in the residence that affirms that the proposed change is in the best interests of existing residents.

(3) In the event that the provider proposes to increase the capacity of the residence, the division shall confirm with the Indiana state department of health that the residence will continue to meet the physical requirements of this article.

(4) The division, through its designated agent, may give preliminary written approval for change in licensure designation or change in capacity of a residence, pending confirmation by the council, or may defer the matter for full review by the council.

(c) A license for a facility that proposes to change management shall be obtained as follows:

(1) The provider shall do the following:

(A) Submit a letter to the division indicating its intention to change management.

(B) Disclose to the prospective approved provider its most recent licensure and certification document, including all plans of correction.

(C) Submit a letter to the council identifying the entity responsible for the completion of the plans of correction.

(2) The division, or its designated agent, may give written approval for the change in management under 431 IAC 1.1-3-1 pending confirmation by the council, or may defer the matter for full review by the council. (*Community Residential Facilities Council; 431 IAC 1.1-2-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 98; filed Nov 2, 1992, 5:00 p.m.: 16 IR 852; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2374; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-2-3 Licensure actions

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5; IC 22-12

Sec. 3. (a) Upon application for an initial license, the council may issue a provisional license for a period not to exceed twelve (12) months, or a regular license for a period not to exceed eighteen (18) months, or deny the issuance of a license. Such action shall be based on the following:

- (1) Information verified by the council staff indicating whether the facility is being operated in compliance with IC 12-28-5 and this article.
- (2) Information from the Indiana state department of health indicating that the residence has been inspected within the preceding twelve (12) months to assure compliance with the fire safety standards in 431 IAC 3.1 or 431 IAC 4.
- (3) The division or its designated agent may give written approval for the facility to be occupied, pending confirmation by the council, or may defer authorization to occupy for full review by the council.
- (4) If the council decides that a license will not be issued, the applicant affected has the right to an appeal to the council within a fifteen (15) day period after notification by registered or certified letter under IC 4-21.5.

(b) Upon application for a renewal license, the council may approve a regular license for a period not to exceed eighteen (18) months, or a conditional license for a period of less than one (1) year, or deny the issuance of a license. Such action shall be based on the following:

- (1) Information verified by the council staff indicating whether the facility is being operated in compliance with IC 12-28-5 and this article.
- (2) Information from the Indiana state department of health indicating that the residence has been inspected within the preceding twelve (12) months to assure compliance with the fire safety standards in 431 IAC 3.1 or 431 IAC 4.
- (3) In order to assure compliance, the council may

impose conditions upon the granting of such a conditional license to assure the health, safety, and well-being of residents. A conditional license cannot be granted for longer than twelve (12) consecutive months.

(c) Except where the facility is temporarily closed or no longer able to house the residents due to an emergency or due to final action by the council revoking or denying renewal of the license, the provider shall notify the division and any agency with placement responsibility in writing ninety (90) days in advance of closure. Relocation of a residential facility shall constitute a closure, and a new application shall be submitted. (*Community Residential Facilities Council; 431 IAC 1.1-2-3; filed Sep 30, 1991, 1:40 p.m.: 15 IR 99; filed Nov 2, 1992, 5:00 p.m.: 16 IR 853; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2375; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

Rule 3. Conditions of Licensure

- 431 IAC 1.1-3-1 Governing body
- 431 IAC 1.1-3-2 Resident protections
- 431 IAC 1.1-3-3 Facility staffing
- 431 IAC 1.1-3-4 Active treatment services
- 431 IAC 1.1-3-5 Resident behavior and facility practices
- 431 IAC 1.1-3-6 Health care services
- 431 IAC 1.1-3-7 Physical environment
- 431 IAC 1.1-3-8 Dietetic services

431 IAC 1.1-3-1 Governing body

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-10-3; IC 12-28-5-12; IC 22-12

Sec. 1. (a) The provider shall meet all the conditions specified in 42 CFR 483.410 (10-3-88).

(b) The residential provider shall report the following circumstances to the division by telephone no later than the first business day followed by written summaries as requested by the division:

- (1) An emergency rendering the residential facility temporarily uninhabitable.
- (2) Any fire resulting in injury or property damage.
- (3) Death of any resident.
- (4) Illness of any resident which requires hospitalization or which renders the resident bedfast for more than seven (7) days.
- (5) Suspected or alleged abuse, neglect, or exploitation of a resident which shall also be reported in accordance with IC 12-10-3 to the adult protective services or with IC 31-6-11 [*IC 31-6-11 was repealed by P.L. 1-1997, SECTION 157, effective July 1, 1997.*] to the child protective services.
- (6) Incidents of serious injury to a resident which require the attention of a physician beyond the initial

medical evaluation or treatment and release.

(7) Any change in program administrator.

(c) The provider shall establish and maintain financial and program records to demonstrate compliance with all applicable state and federal laws and regulations.

(d) Representatives of the council, including employees of the state department of health and the division of aging and rehabilitative services, shall have the right to enter the premises of the residential facility, or its administering offices, without prior notification for the purpose of examining such records to determine compliance with such laws and regulations.

(e) The residential provider shall furnish an original of all financial audits to the council upon written request of the division. (*Community Residential Facilities Council; 431 IAC 1.1-3-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 100; filed Nov 2, 1992, 5:00 p.m.: 16 IR 853; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-3-2 Resident protections

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 10-13-3-27; IC 12-28-5-12; IC 22-12

Sec. 2. (a) The provider shall meet all conditions specified in 42 CFR 483.420 (10-1-95).

(b) The provider shall further ensure the following:

(1) A resident is transferred or discharged only for the following:

(A) Medical reasons.

(B) The resident's welfare or that of other residents.

(C) The resident's needs cannot be met as determined by an interdisciplinary team in compliance with IC 12-11-2 [*IC 12-11-2 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*].

(D) Failure to comply with IC 12-11-1-5 [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*].

(2) A resident is assisted in contacting or consulting with legal counsel as needed at the resident's own expense and is informed about available advocacy services.

(c) The residential provider shall demonstrate that its employment practices assure that no staff person would be employed where there is:

(1) evidence of abuse or fraud in any setting;

(2) repeated and substantial violation of applicable laws and rules in the operation of any type of residential, health, or developmental program in the care of dependent persons; or

(3) conviction of a crime substantially related to a dependent population or any violent crime.

The provider shall obtain, as a minimum, a bureau of motor vehicles record, a criminal history check as authorized in IC 5-2-5-5 [*IC 5-2-5-5 was repealed by*

P.L.2-2003, effective July 1, 2003. See IC 10-13-3-27.], and three (3) references. Mere verification of employment dates by previous employers shall not constitute a reference in compliance with this section. (*Community Residential Facilities Council; 431 IAC 1.1-3-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 100; filed Nov 2, 1992, 5:00 p.m.: 16 IR 854; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2375; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 1.1-3-3 Facility staffing

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 3. (a) The residential facility shall meet all conditions specified in 42 CFR 483.430 (10-1-95).

(b) Orientation to the facility shall be as follows:

(1) Each residential facility shall have a written orientation plan for all residential staff. The orientation plan shall include, but not be limited to, the following:

(A) A review of the policy and procedure manual.

(B) Emergency procedures and appropriate telephone numbers.

(C) On-the-job observation and training.

(D) Any other suitable training required by the facility policy.

(2) Each residential staff person shall receive orientation and training in tasks required to be performed in the facility prior to independently assuming the position, including life safety training. Records of such training shall be documented by the provider.

(c) The provider shall have a written plan for inservice training or require all residential staff to attend other staff development programs. Each provider shall provide or require at least twenty-four (24) hours of training per residential staff person per year. Records of such training, including that provided to relief or part-time staff, shall be documented and retained according to the provider's written policy.

(d) The provider shall demonstrate that its employment practices assure that the health of residential staff shall not be detrimental to the health or welfare of the residents.

(e) Prior to assuming residential job duties and annually thereafter, each residential staff person shall submit written evidence that a Mantoux (5TU, PPD) tuberculosis skin test or chest x-ray was completed. The result of the Mantoux shall be recorded in millimeter of induration with the date given, date read, and by whom administered. If the skin test result is significant (ten (10) millimeters or more), then a chest film shall be done with other physical and laboratory examinations as necessary to complete a diagnosis. Prophylactic treatment shall be provided as per diagnosis for the length of time prescribed by the physician. (*Community Residential*

Facilities Council; 431 IAC 1.1-3-3; filed Sep 30, 1991, 1:40 p.m.: 15 IR 101; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2376; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 1.1-3-4 Active treatment services

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 4. (a) The provider shall meet all conditions specified in 42 CFR 483.440 (10-1-95).

(b) The provider shall obtain day services for each resident which:

- (1) meet the criteria and certification requirements established by the division of aging and rehabilitative services for all day service providers;
- (2) meet the resident's active treatment needs set forth in the resident's individual program plan as determined by the interdisciplinary team conference with preference for services in the least restrictive environment; and
- (3) are approved by the case manager, and in those situations where the resident is receiving vocational rehabilitation funded services, also by the vocational rehabilitation counselor.

(c) The interdisciplinary team shall assist the resident or the resident's guardian in exploring options for day services. The interdisciplinary team will take into consideration the resident's or the resident's guardian's preference of day services.

(d) The division of aging and rehabilitative services shall offer the residential provider and the resident, or the resident's guardian, an opportunity to appeal the day services approved by the case manager or, in those situations where the resident is receiving vocational rehabilitation funded services, the vocational rehabilitation counselor under subsection (b). The appeals process is described in developmental disabilities integrated field services policy.

(e) The protections afforded residents in section 2(b)(1) of this rule, which refer to the residential provider, should be extended to the resident in reference to the day services provider.

(f) Subsection (b) does not apply if either of the following apply:

- (1) The resident is a child as defined in 431 IAC 1.1-1-7 and is in a school program.
- (2) The resident's interdisciplinary team determines that the unique needs of the resident are best met without including day services. Any individual program plan which does not include day services must be approved by the case manager, and, in those situations where the resident is receiving vocational rehabilitation funded services, also by the vocational rehabilitation counselor. The residential provider and the resident, or

the resident's guardian, shall have an opportunity to appeal the services approved by the case manager or vocational rehabilitation counselor through the appeals process described in developmental disabilities integrated field services policy.

(Community Residential Facilities Council; 431 IAC 1.1-3-4; filed Sep 30, 1991, 1:40 p.m.: 15 IR 101; filed Nov 2, 1992, 5:00 p.m.: 16 IR 854; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2376; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 1.1-3-5 Resident behavior and facility practices

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 5. (a) The provider shall meet all conditions specified in 42 CFR 483.450 (10-1-95).

(b) Consideration shall be given to the residents' ages, developmental levels, and social needs and other arrangements that would promote the development of all those living together. Residences for children shall serve only children, and residences for adults shall serve only adults, except as provided in subsection (c).

(c) In the event that one (1) or more residents of a children's facility shall have reached eighteen (18) years of age or older and shall no longer participate in a special education program, if it is determined by the interdisciplinary team that it is in the best interest of the residents to remain living as a family, then the provider shall submit a plan and request approval from the council to convert the program orientation of the facility to an appropriate licensure category for adults in a reasonable period of time. If this approval is given, children and adults may continue to reside together in the same facility. *(Community Residential Facilities Council; 431 IAC 1.1-3-5; filed Sep 30, 1991, 1:40 p.m.: 15 IR 101; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2377; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 1.1-3-6 Health care services

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 6. (a) The provider shall meet all conditions specified in 42 CFR 483.460 (10-1-95), except 42 CFR 483.460(c)(3) (10-1-95).

(b) All personnel who administer medication to residents or observe residents self-administering medication shall have received and successfully completed training using materials approved by the council. *(Community Residential Facilities Council; 431 IAC 1.1-3-6; filed Sep 30, 1991, 1:40 p.m.: 15 IR 102; filed Apr 30,*

1997, 9:00 a.m.: 20 IR 2377; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 1.1-3-7 Physical environment

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-4-7; IC 12-28-5-12; IC 16-18-2-167; IC 22-12

Sec. 7. (a) The provider shall meet all conditions specified in 42 CFR 483.470 (10-1-95).

(b) Each residential facility shall be located in a residential neighborhood. The location, design, construction, and furnishings of each home shall be appropriate to the program, homelike, and conducive to the achievements of optimal development by the residents. No sign shall be erected which might set the facility apart from other residences in the area. The intent of this rule concerning the standards for licensure of facilities for persons with developmental disabilities is a clear pronouncement of the state of Indiana's commitment to end the unnecessary exclusion of persons with developmental disabilities from the American mainstream.

(c) No residential facility shall be licensed by the council if it is within one thousand (1,000) feet of another community residential facility from the nearest point on the lot line closest to the facility. The council, upon written request and upon a majority vote of the membership present at a meeting, may waive the one thousand (1,000) foot limitation for particular residential facilities. Such waiver:

- (1) shall conform to the intent of the rule; and
- (2) once given, will remain as long as the facility is licensed as a residential facility.

(d) A facility initially licensed after September 1, 1984, shall not be located within one thousand (1,000) feet of a sheltered workshop or nursing home or similar health facility (as defined by IC 16-18-2-167) from the nearest point on the lot line closest to the facility. The council, upon written request and upon a majority vote of the membership present at a meeting, may waive the one thousand (1,000) foot limitation for particular residential facilities. Such waiver:

- (1) shall conform to the intent of the rule; and
- (2) once given, will remain as long as the facility is licensed as a residential facility.

(e) In accordance with IC 12-28-4-7(a), the residential facility shall meet all other zoning requirements for other dwellings in the area in which it is located.

(f) A residential facility shall be located on a well-maintained, all weather road and near a community that can provide the necessary supportive services for the home, such as fire protection, utilities, approved water and sewage systems, medical services, developmental

services and access to recreational facilities, transportation, and social outlets.

(g) In the event that a residential facility uses a private water and/or sewage disposal system, such system shall meet standards for residential use as specified in 410 IAC 6-8.1. Evidence of such compliance shall be provided upon written request by the council or its agents.

(h) The living areas shall meet the following requirements, unless the facility was approved by the division prior to October 1, 1984, and cannot meet these requirements without major physical modifications:

(1) When a resident with a physical handicap occupies a residential facility, the facility must be readily accessible to and functionally usable by each such resident according to needs identified in the individual program plan.

(2) The facility shall contain sufficient living areas in addition to the bedrooms for the comfort and privacy of the residents. The living areas shall be furnished in the manner of typical family homes.

(3) Not more than two (2) residents shall sleep in one (1) bedroom. No resident shall occupy any room with its only access requiring passage through the room of another resident or staff. Such passage is permitted only for use as a primary or secondary evacuation route in the event of emergency.

(4) Residents shall be encouraged to purchase and display personal possessions, including personal items of furniture, and to enhance a homelike environment with items such as books, pictures, games, televisions, radios, art, and crafts and hobby materials; however, the provider is not relieved from responsibility to assure an adequate quantity and quality of personal furniture, and may not require residents to provide their own furniture. Furniture provided by the residents remains the property of the residents; it is not included in any charges for services paid by Medicaid or the division.

(5) Residential staff who reside in the facility shall do so in a manner that will contribute to the well-being, comfort, independence, and safety of the residents.

(6) In the event that it is necessary to relocate the residents due to the facility being uninhabitable, the division may approve relocation on a temporary, time limited basis and may reimburse the provider at the rate approved for the evacuated facility.

(Community Residential Facilities Council; 431 IAC 1.1-3-7; filed Sep 30, 1991, 1:40 p.m.: 15 IR 102; filed Nov 2, 1992, 5:00 p.m.: 16 IR 855; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2377; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 1.1-3-8 Dietetic services

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5-12; IC 22-12

Sec. 8. (a) The provider shall meet all conditions specified in 42 CFR 483.480 (10-1-95).

(b) The written menu shall be prepared either with the residents' input or prepared by the residents.

(c) Meals shall be served in the dwelling unit family style in an attractive dining area of sufficient size to enable staff and residents to eat together as a family group.

(d) The majority of foods to be prepared in the facility shall be purchased at grocery stores as part of the nutrition program. The facility shall not purchase food in bulk or arrange for home delivery in a way that conflicts with residents' need for experience in food purchase and preparation. (*Community Residential Facilities Council; 431 IAC 1.1-3-8; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2378; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

ARTICLE 2. COMMUNITY RESIDENTIAL FACILITIES FOR THE MENTALLY ILL (REPEALED)

(*Repealed by Community Residential Facilities Council; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1098*)

ARTICLE 2.1. SUPERVISED GROUP LIVING FACILITIES FOR INDIVIDUALS WITH MENTAL ILLNESS (REPEALED)

(*Repealed by Community Residential Facilities Council; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145*)

ARTICLE 3. FIRE AND LIFE SAFETY STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES OF DEVELOPMENTALLY DISABLED AND MENTALLY ILL PERSONS (REPEALED)

(*Repealed by Community Residential Facilities Council; filed Sep 30, 1991, 1:40 p.m.: 15 IR 105*)

ARTICLE 3.1. FIRE AND LIFE SAFETY STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL ILLNESS

- Rule 1. Definitions
- Rule 2. General Provisions
- Rule 3. Safety Requirements

Rule 1. Definitions

- 431 IAC 3.1-1-1 Applicability
- 431 IAC 3.1-1-2 "Community residential facility" defined
- 431 IAC 3.1-1-3 "Department" defined (*Repealed*)
- 431 IAC 3.1-1-4 "Developmental disability" defined
- 431 IAC 3.1-1-4.5 "Division" defined
- 431 IAC 3.1-1-4.7 "Family" defined

- 431 IAC 3.1-1-5 "Evacuation capability" defined
- 431 IAC 3.1-1-5.5 "Managed care provider" defined
- 431 IAC 3.1-1-6 "Mental illness" defined
- 431 IAC 3.1-1-7 "Resident" defined
- 431 IAC 3.1-1-8 "Staff" defined

431 IAC 3.1-1-1 Applicability

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 1. The definitions in this rule apply throughout this article. (*Community Residential Facilities Council; 431 IAC 3.1-1-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 3.1-1-2 "Community residential facility" defined

Authority: IC 12-28-4-14

Affected: IC 12-22-2-3; IC 12-28-4

Sec. 2. "Community residential facility" means a facility that provides:

- (1) residential services for developmentally disabled persons in a supervised group living program as described in IC 12-11-1-1(b)(1) [*IC 12-11-1 was repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.*]; or
- (2) residential services for mentally ill individuals in a supervised group living program as described in IC 12-22-2-3(2).

(*Community Residential Facilities Council; 431 IAC 3.1-1-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1092; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 3.1-1-3 "Department" defined (*Repealed*)

Sec. 3. (*Repealed by Community Residential Facilities Council; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1098*)

431 IAC 3.1-1-4 "Developmental disability" defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-61; IC 12-28-4

Sec. 4. "Developmental disability" has the meaning set out in IC 12-7-2-61. (*Community Residential Facilities Council; 431 IAC 3.1-1-4; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1092; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 3.1-1-4.5 "Division" defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 4.5. “Division” means:

- (1) the division of disability, aging, and rehabilitative services when the rule refers to a supervised group living program for developmentally disabled individuals; and
- (2) the division of mental health when the rule refers to a supervised group living program for mentally ill individuals.

(Community Residential Facilities Council; 431 IAC 3.1-1-4.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-4.7 “Family” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 4.7. “Family” means an individual or two (2) or more persons related by blood or marriage or a group of not more than ten (10) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit. (Community Residential Facilities Council; 431 IAC 3.1-1-4.7; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-5 “Evacuation capability” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 5. “Evacuation capability” means the ability of the occupants, residents, and staff as a group, to evacuate the building. Evacuation capability is classified as follows:

- (1) Prompt evacuation capability is equivalent to the capability of the general population when applying the requirements of this article.
- (2) Slow evacuation capability is the capability of the group to evacuate the building in a timely manner, with some of the residents requiring assistance from the staff.
- (3) Impractical evacuation capability occurs when the group, even with staff assistance, cannot reliably evacuate the building in a timely manner.

The evacuation capability of the residents and staff is a function of both the ability of the residents to evacuate and the assistance provided by the staff. Evacuation capability in all cases is based on the time of day or night when evacuation would be most difficult, i.e., sleeping residents or fewer staff present. (Community Residential Facilities Council; 431 IAC 3.1-1-5; filed Sep 30, 1991, 1:40 p.m.: 15 IR 103; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-5.5 “Managed care provider” defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-127; IC 12-28-4

Sec. 5.5. “Managed care provider” has the meaning set out in IC 12-7-2-127(b). (Community Residential Facilities Council; 431 IAC 3.1-1-5.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-6 “Mental illness” defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-130; IC 12-28-4

Sec. 6. “Mental illness” has the meaning set out in IC 12-7-2-130(2). (Community Residential Facilities Council; 431 IAC 3.1-1-6; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-7 “Resident” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 7. “Resident” means an individual who is receiving services from and resides in a community residential facility. This term does not include any staff who may reside in the facility. (Community Residential Facilities Council; 431 IAC 3.1-1-7; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-1-8 “Staff” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 8. “Staff” means a person who provides personal care services, supervision, or assistance to residents. (Community Residential Facilities Council; 431 IAC 3.1-1-8; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

Rule 2. General Provisions

431 IAC 3.1-2-1 Scope

431 IAC 3.1-2-2 Application

431 IAC 3.1-2-1 Scope

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 1. (a) All community residential facilities licensed prior to the effective date of this article shall:

- (1) achieve a classification of prompt evacuation capability, as defined in 431 IAC 3.1-1-5(1), for community residential facilities for mentally ill individuals;
- (2) achieve a minimum classification of impractical evacuation capability, as defined in 431 IAC 3.1-1-5(3), for community residential facilities for persons with developmental disabilities; and

(3) comply with the Indiana one and two family dwelling code under the provisions of 675 IAC 3 [675 IAC 3 was repealed filed Sep 19, 1985, 9:29 a.m.: 9 IR 284.], 675 IAC 14, or the rules of the administrative building council, whichever were in effect at the time of the initial licensing.

(b) All community residential facilities licensed after the effective date of this article shall:

(1) achieve a classification of prompt evacuation capability, as defined in 431 IAC 3.1-1-5(1), for community residential facilities for mentally ill individuals;

(2) achieve a minimum classification of impractical evacuation capability, as defined in 431 IAC 3.1-1-5(3), for community residential facilities for persons with developmental disabilities; and

(3) comply with:

(A) the Indiana one and two family dwelling code under the provisions of 675 IAC 14, which is in effect at the time of initial application for licensure with the department; or

(B) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(Community Residential Facilities Council; 431 IAC 3.1-2-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; filed May 19, 1997, 11:30 a.m.: 20 IR 2775; errata filed Sep 3, 1997, 1:10 p.m.: 21 IR 111; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 3.1-2-2 Application

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 2. (a) The level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association, 101, Life Safety Code, 1985 Edition shall be determined by the following:

(1) For persons with developmental disabilities, the Indiana state department of health.

(2) For persons with mental illness, the division of mental health or the residential provider.

(b) On the basis of this evaluation under subsection (a), a facility shall be classified as one (1) of the following:

(1) Prompt.

(2) Slow.

(3) Impractical.

(Community Residential Facilities Council; 431 IAC 3.1-2-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1093; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

Rule 3. Safety Requirements

431 IAC 3.1-3-1 Requirements

431 IAC 3.1-3-2 Adoption by reference

431 IAC 3.1-3-1 Requirements

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 1. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills each year shall be conducted during sleeping hours.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, e.g., glass, ceramic, or metal shall be provided.

(g) Fireplace safety requirements shall be as follows:

(1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

(2) Glass doors, a noncombustible hearth, and grates shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A five (5) pound ABC multipurpose type extinguisher, or the equivalent, shall be located on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards as defined in 675 IAC 22. All combustible rubbish, oily

rag, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located so as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do [*sic.*] not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessible in case of emergency.

(r) All Class I, II, and III-A flammable liquids as defined in 675 IAC 22, shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. (*Community Residential Facilities Council; 431 IAC 3.1-3-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 104; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 3.1-3-2 Adoption by reference

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 2. (a) Those certain documents being titled the NFPA 101, Appendix F of the Life Safety Code, 1985 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, are hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), the term “authority having jurisdiction” means the department.

(c) Publications referenced within the documents adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to these documents. (*Community Residential Facilities Council; 431 IAC 3.1-3-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 105; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

ARTICLE 4. FIRE AND LIFE SAFETY STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES LOCATED IN APARTMENT BUILDINGS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL ILLNESS

Rule 1. Definitions

Rule 2. General Provisions

Rule 3. Safety Requirements

Rule 1. Definitions

431 IAC 4-1-1	Applicability
431 IAC 4-1-1.5	“Apartment house” defined
431 IAC 4-1-2	“Community residential facility” defined
431 IAC 4-1-3	“Department” defined (<i>Repealed</i>)
431 IAC 4-1-4	“Developmental disability” defined
431 IAC 4-1-4.3	“Division” defined
431 IAC 4-1-4.5	“Dwelling unit” defined
431 IAC 4-1-4.7	“Efficiency dwelling unit” defined
431 IAC 4-1-5	“Evacuation capability” defined
431 IAC 4-1-5.5	“Managed care provider” defined
431 IAC 4-1-6	“Mental illness” defined
431 IAC 4-1-7	“Resident” defined
431 IAC 4-1-8	“Staff” defined

431 IAC 4-1-1 Applicability

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 1. The definitions in this rule apply throughout this article. (*Community Residential Facilities Council; 431 IAC 4-1-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 4-1-1.5 “Apartment house” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 1.5. “Apartment house” means any building or portion thereof that contains three (3) or more dwelling units and includes residential condominiums. (*Community Residential Facilities Council; 431 IAC 4-1-1.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 4-1-2 “Community residential facility” defined

Authority: IC 12-28-4-14

Affected: IC 12-22-2-3; IC 12-28-4

Sec. 2. “Community residential facility” means a facility that provides:

(1) residential services for developmentally disabled persons in a supervised group living program as described in IC 12-11-1-1(b)(1) [*IC 12-11-1 was*

repealed by P.L.272-1999, SECTION 66, effective July 1, 1999.]; or

(2) residential services for mentally ill individuals in a supervised group living program as described in IC 12-22-2-3(2).

(Community Residential Facilities Council; 431 IAC 4-1-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 4-1-3 “Department” defined (Repealed)

Sec. 3. (Repealed by Community Residential Facilities Council; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1098)

431 IAC 4-1-4 “Developmental disability” defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-61; IC 12-28-4

Sec. 4. “Developmental disability” has the meaning set out in IC 12-7-2-61. *(Community Residential Facilities Council; 431 IAC 4-1-4; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-4.3 “Division” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 4.3. “Division” means:

(1) the division of disability, aging, and rehabilitative services when the rule refers to a supervised group living program for developmentally disabled individuals; and

(2) the division of mental health when the rule refers to a supervised group living program for mentally ill individuals.

(Community Residential Facilities Council; 431 IAC 4-1-4.3; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)

431 IAC 4-1-4.5 “Dwelling unit” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 4.5. “Dwelling unit” means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation for not more than one (1) family or a congregated residence for ten (10) or less persons. *(Community Residential Facilities Council; 431 IAC 4-1-4.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-4.7 “Efficiency dwelling unit” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 4.7. “Efficiency dwelling unit” means a dwelling unit containing only one (1) habitable room. *(Community Residential Facilities Council; 431 IAC 4-1-4.7; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-5 “Evacuation capability” defined

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 5. “Evacuation capability” means the ability of the occupants, residents, and staff, as a group, to evacuate the building. Evacuation capability is classified as follows:

(1) Prompt evacuation capability is equivalent to the capability of the general population when applying the requirements of this article.

(2) Slow evacuation is the capability of the group to evacuate the building in a timely manner, with some of the residents requiring assistance from the staff.

(3) Impractical evacuation capability occurs when the group, even with staff assistance, cannot reliably evacuate the building in a timely manner.

The evacuation capability of the residents and staff is a function of both the ability of the residents to evacuate and the assistance provided by the staff. Evacuation capability in all cases is based on the time of day or night when evacuation would be most difficult, i.e., sleeping residents or fewer staff present. *(Community Residential Facilities Council; 431 IAC 4-1-5; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-5.5 “Managed care provider” defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-127; IC 12-28-4

Sec. 5.5. “Managed care provider” has the meaning set out in IC 12-7-2-127(b). *(Community Residential Facilities Council; 431 IAC 4-1-5.5; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-6 “Mental illness” defined

Authority: IC 12-28-4-14

Affected: IC 12-7-2-130; IC 12-28-4

Sec. 6. “Mental illness” has the meaning set out in IC 12-7-2-130(2). *(Community Residential Facilities Council; 431 IAC 4-1-6; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528)*

431 IAC 4-1-7 “Resident” defined**Authority:** IC 12-28-4-14**Affected:** IC 12-28-4

Sec. 7. “Resident” means an individual who is receiving services from and resides in a community residential facility. This term does not include any staff who may reside in the facility. (*Community Residential Facilities Council; 431 IAC 4-1-7; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 4-1-8 “Staff” defined**Authority:** IC 12-28-4-14**Affected:** IC 12-28-4

Sec. 8. “Staff” means a person who provides personal care services, supervision, or assistance to residents. (*Community Residential Facilities Council; 431 IAC 4-1-8; filed Sep 30, 1991, 1:40 p.m.: 15 IR 106; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

Rule 2. General Provisions

431 IAC 4-2-1 Scope

431 IAC 4-2-2 Application

431 IAC 4-2-1 Scope**Authority:** IC 12-28-4-14**Affected:** IC 12-28-4

Sec. 1. (a) Community residential facilities for mentally ill individuals shall achieve a classification of prompt evacuation capability, as defined in 431 IAC 4-1-5(1), and shall comply with:

- (1) the Indiana building code under the provisions of 675 IAC 13 in effect at the time of the initial application for licensure with the division; or
- (2) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(b) Community residential facilities for persons with developmental disabilities shall achieve a minimum classification of impractical evacuation capability, as defined in 431 IAC 4-1-5(3), and shall comply with:

- (1) the Indiana building code under the provisions of 675 IAC 13 in effect at the time of the initial application for licensure with the division; or
- (2) the Indiana building rehabilitation standard, 675 IAC 12-8, for the rehabilitation of older structures.

(*Community Residential Facilities Council; 431 IAC 4-2-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1094; filed May 19, 1997, 11:30 a.m.: 20 IR 2775; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 4-2-2 Application**Authority:** IC 12-28-4-14**Affected:** IC 12-28-4

Sec. 2. (a) The level of evacuation capabilities of the residents as a group by the procedures described in Appendix F of the National Fire Protection Association, 101, Life Safety Code, 1985 Edition shall be determined by the following:

- (1) For persons with developmental disabilities, the Indiana state department of health.
- (2) For persons with mental illness, the division or the residential provider.
- (b) On the basis of this evaluation under subsection (a), a facility shall be classified as one (1) of the following:
 - (1) Prompt.
 - (2) Slow.
 - (3) Impractical.

(*Community Residential Facilities Council; 431 IAC 4-2-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; filed Dec 19, 1995, 2:45 p.m.: 19 IR 1095; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

Rule 3. Safety Requirements

431 IAC 4-3-1 Requirements

431 IAC 4-3-2 Adoption by reference

431 IAC 4-3-1 Requirements**Authority:** IC 12-28-4-14**Affected:** IC 12-28-4

Sec. 1. (a) Every closet door latch shall be such that it can be opened from the inside in case of emergency.

(b) Every bathroom door shall be designed to permit the opening of the locked door from the outside in an emergency.

(c) No door in any means of egress shall be locked against egress when the building is occupied.

(d) The administration of the facility shall have a written posted plan for evacuation in case of fire and other emergencies. The administration shall teach the procedures to all staff as a part of their orientation.

(e) Fire exit drills shall be conducted monthly. The shift conducting the drill shall be alternated to include each shift once a quarter. At least two (2) drills each year shall be conducted during sleeping hours.

(f) Where smoking is permitted, noncombustible safety-type ash trays or receptacles, e.g., glass, ceramic, or metal shall be provided.

(g) Fireplace safety requirements shall be as follows:

- (1) If the fireplace is used, the chimney flue shall be cleaned annually and a written record of the cleaning retained.

- (2) Glass doors, a noncombustible hearth, and grates

shall be provided for each fireplace in use.

(3) Ashes from the fireplace shall be disposed of in a noncombustible covered receptacle. The receptacle shall then be placed on the ground and away from any building or combustibles.

(4) Proper fireplace tools shall be provided for each fireplace in use.

(h) A five (5) pound ABC multipurpose type extinguisher, or the equivalent, shall be located in each apartment, on each floor of the facility, including one (1) located in the kitchen.

(i) All sprinkler systems, fire hydrants, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat detectors, and other fire protective or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective.

(j) All required fire resistive construction shall be properly repaired, restored, or replaced when damaged, altered, breached, penetrated, removed, or improperly installed.

(k) The facility shall be free from fire hazards, as defined in 675 IAC 22. All combustible rubbish, oily rags, or waste material, when kept within a building or adjacent to a building, shall be securely stored in metal or metal-lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of noncombustible materials. Dust and grease shall be removed from hoods above stoves and other equipment.

(l) No combustibles shall be stored within three (3) feet of furnaces and water heaters.

(m) No heating appliance shall be located so as to block escape in case of fire arising from malfunctioning of the appliance.

(n) The facility shall not use an unvented heater of any type.

(o) The facility shall not use any type of solid fuel-burning appliance, except fireplaces, which do not serve as the primary source of heat.

(p) The facility shall maintain all fuel-burning appliances in a safe operating condition. There shall be an annual inspection by a qualified inspector of all fuel-burning appliances.

(q) The gas and electric shutoffs shall be labeled and easily accessible in case of emergency.

(r) All Class I, II, and III-A flammable liquids as defined in 675 IAC 22 shall be stored in a container listed by an independent laboratory with the maximum quantity not to exceed five (5) gallons. (*Community Residential Facilities Council; 431 IAC 4-3-1; filed Sep 30, 1991, 1:40 p.m.: 15 IR 107; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

431 IAC 4-3-2 Adoption by reference

Authority: IC 12-28-4-14

Affected: IC 12-28-4

Sec. 2. (a) Those certain documents being titled the NFPA 101, Appendix F of the Life Safety Code, 1985 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, and as listed in this article, are hereby adopted by reference, subject to the listed amendments, and made part of this article as if fully set out herein.

(b) Within the standards adopted under subsection (a), the term "authority having jurisdiction" means the department.

(c) Publications referenced within the documents adopted in subsection (a), unless specifically adopted by reference in this article, are deemed to be accepted practice and supplementary to these documents. (*Community Residential Facilities Council; 431 IAC 4-3-2; filed Sep 30, 1991, 1:40 p.m.: 15 IR 108; readopted filed Oct 1, 2001, 3:40 p.m.: 25 IR 528*)

ARTICLE 5. SUPERVISED GROUP LIVING FACILITIES FOR CHILDREN (REPEALED)
(*Repealed by Community Residential Facilities Council; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145*)

ARTICLE 6. FIRE AND LIFE SAFETY STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES FOR PERSONS WITH MENTAL ILLNESS—CONGREGATE LIVING (REPEALED)

(*Repealed by Community Residential Facilities Council; filed Jun 10, 2002, 2:25 p.m.: 25 IR 3145*)

ARTICLE 7. SUPPORTED LIVING SERVICES AND SUPPORTS

- Rule 1. Purpose
- Rule 2. Applicability
- Rule 3. Definitions
- Rule 4. Types of Supported Living Services and Supports
- Rule 5. Provider Qualifications
- Rule 6. Application and Approval Process
- Rule 7. Revocation of Approval; Administrative Review

Rule 1. Purpose

431 IAC 7-1-1 Purpose

431 IAC 7-1-1 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. (*Community Residential Facilities Council; 431 IAC 7-1-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3640*)

Rule 2. Applicability

431 IAC 7-2-1 Providers of services

431 IAC 7-2-1 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. (*Community Residential Facilities Council; 431 IAC 7-2-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3640*)

Rule 3. Definitions

431 IAC 7-3-1 Applicability of definitions

431 IAC 7-3-2 Definitions incorporated by reference

431 IAC 7-3-1 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. (*Community Residential Facilities Council; 431 IAC 7-3-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

431 IAC 7-3-2 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. (*Community Residential Facilities Council; 431 IAC 7-3-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

Rule 4. Types of Supported Living Services and Supports

431 IAC 7-4-1 Incorporation by reference

431 IAC 7-4-1 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. (*Community Residential Facilities Council; 431 IAC 7-4-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

Rule 5. Provider Qualifications

431 IAC 7-5-1 Applicability

431 IAC 7-5-2 Incorporation by reference

431 IAC 7-5-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (*Community Residential Facilities Council; 431 IAC 7-5-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

431 IAC 7-5-2 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. (*Community Residential Facilities Council; 431 IAC 7-5-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

Rule 6. Application and Approval Process

431 IAC 7-6-1 Applicability

431 IAC 7-6-2 Initial application

431 IAC 7-6-3 Action on application

431 IAC 7-6-4 Additional approvals; bureau of developmental disabilities services

431 IAC 7-6-5 Renewal of approval

431 IAC 7-6-6 Application to provide additional services

431 IAC 7-6-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (*Community Residential Facilities Council; 431 IAC 7-6-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641*)

431 IAC 7-6-2 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.

(Community Residential Facilities Council; 431 IAC 7-6-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641)

431 IAC 7-6-3 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. (Community Residential Facilities Council; 431 IAC 7-6-3; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641)

431 IAC 7-6-4 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). (Community Residential Facilities Council; 431 IAC 7-6-4; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3641)

431 IAC 7-6-5 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. (Community Residential Facilities Council; 431 IAC 7-6-5; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642)

431 IAC 7-6-6 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.

(Community Residential Facilities Council; 431 IAC 7-6-6; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642)

Rule 7. Revocation of Approval; Administrative Review

431 IAC 7-7-1 Applicability

431 IAC 7-7-2 Revocation of approval

431 IAC 7-7-3 Notice of intent to revoke approval

431 IAC 7-7-4 Administrative review

431 IAC 7-7-1 Applicability**Authority:** IC 12-28-5-19**Affected:** IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (Community Residential Facilities Council; 431 IAC 7-7-1; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3642)

431 IAC 7-7-2 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. (Community

Residential Facilities Council; 431 IAC 7-7-2; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643)

431 IAC 7-7-3 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.

(Community Residential Facilities Council; 431 IAC 7-7-3; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643)

431 IAC 7-7-4 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. (Community Residential Facilities Council; 431 IAC 7-7-4; filed Jun 5, 2003, 8:40 a.m.: 26 IR 3643)