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TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule LSA Document #02-210

DIGEST

Adds 460 IAC 7 to establish standards and requirements for individualized support plans for eligible individuals with a developmental disability. Effective 30 days after filing with the secretary of state.

460 IAC 7

SECTION 1. 460 IAC 7 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7. INDIVIDUALIZED SUPPORT PLAN

Rule 1. Purpose

460 IAC 7-1-1 Purpose

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. The purpose of this article is to establish standards and requirements for individualized support plans for service plans developed by the bureau of developmental disabilities services for eligible individuals with a developmental disability. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-1-1*)

Rule 2. Applicability

460 IAC 7-2-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. This article applies to the development of ISPs for individuals receiving services under an individualized support plan through the bureau of developmental disabilities services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-2-1*)

Rule 3. Definitions

460 IAC 7-3-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. The definitions in this rule apply throughout this article. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-1*)

460 IAC 7-3-2 "BDDS" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. “BDDS” means the bureau of developmental disabilities services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-2)*

460 IAC 7-3-3 “Facilitator” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. “Facilitator” means the person who leads the individual’s support team through the person centered planning process, which includes developing an ISP. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-3)*

460 IAC 7-3-4 “Goal” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. “Goal” means an endpoint of instruction. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-4)*

460 IAC 7-3-5 “ICF/MR” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. “ICF/MR” means a facility certified under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as an intermediate care facility for the mentally retarded. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-5)*

460 IAC 7-3-6 “Individual” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1-1

Sec. 6. “Individual” means an individual with a developmental disability who has been determined eligible for services by a service coordinator pursuant to IC 12-11-2.1-1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-6)*

460 IAC 7-3-7 “Individualized support plan” or “ISP” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. “Individualized support plan” or “ISP” means a plan that establishes supports and strategies intended to accomplish the individual’s long term and short term outcomes by accommodating the financial and human resources offered to the individual through paid provider services or volunteer services, or both, as designed and agreed upon by the individual’s support team. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-7)*

460 IAC 7-3-8 “Legal representative” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-10-13-3.3; IC 12-11-1.1; IC 12-11-2.1

Sec. 8. “Legal representative” has the meaning set forth in IC 12-10-13-3.3. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-8)*

460 IAC 7-3-9 “Legal status” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 9. “Legal status” means an indication of whether or not the individual is a subject of a guardianship or some other protective proceeding, or is a minor. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-9)*

7-3-9)

460 IAC 7-3-10 “Objective” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 10. “Objective” means a specifiable intermediate point toward a goal. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-10*)

460 IAC 7-3-11 “Outcome” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 11. “Outcome” means the result of attainment of:

- (1) a goal, including a training goal; or
- (2) an objective.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-11*)

460 IAC 7-3-12 “Person centered planning” or “PCP” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 12. “Person centered planning” or “PCP” means a process that:

- (1) allows an individual, the individual’s legal representative, if applicable, and any other person chosen by the individual to direct the planning and allocation of resources to meet the individual’s life goals;
- (2) achieves understanding of how an individual:
 - (A) learns;
 - (B) makes decisions; and
 - (C) is and can be productive;
- (3) discovers what the individual likes and dislikes; and
- (4) empowers an individual and the individual’s family to create a life plan for the individual that:
 - (A) is based on the individual’s preferences, dreams, and needs;
 - (B) encourages and supports the individual’s long term hopes and dreams;
 - (C) is supported by a short term plan that is based on reasonable costs, given the individual’s support needs;
 - (D) includes individual responsibility; and
 - (E) includes a range of supports, including funded, community, and natural supports.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-12*)

460 IAC 7-3-13 “Profile information” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 13. “Profile information” means a summary of the information developed through the person centered planning process that is attached to the ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-13*)

460 IAC 7-3-14 “Provider” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 14. “Provider” means a person or entity approved by the BDDS to provide the individual with agreed upon services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-14*)

460 IAC 7-3-15 “Qualified mental retardation professional” or “QMRP” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 15. “Qualified mental retardation professional” or “QMRP” means a staff of an ICF/MR who meets the qualifications and functions contained in 42 CFR 483.430(a). *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-15)*

460 IAC 7-3-16 “Service coordinator” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 16. “Service coordinator” means a service coordinator employed by the BDDS under IC 12-11-2.1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-16)*

460 IAC 7-3-17 “Support team” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 17. “Support team” means a team of persons, including an individual, the individual’s legal representative, if applicable, an individual’s providers, provider of case management services, and other persons who:

- (1) are designated by the individual;**
- (2) know and work with the individual; and**
- (3) participate in the development and implementation of the individual’s ISP.**

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-3-17)

Rule 4. Development of an ISP

460 IAC 7-4-1 Development of an ISP

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. An ISP shall be developed by an individual’s support team using a “person centered planing” process. The support team shall be led by a facilitator chosen by the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-1)*

460 IAC 7-4-2 Collection of information

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. The support team shall collect all the information required to complete the ISP. In collecting the information needed to complete the ISP, the team shall be cognizant of the past, present, and future influences of a variety of factors that define the individual’s quality of life. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-2)*

460 IAC 7-4-3 Composition of the support team

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. (a) The support team shall include, as appropriate, the following persons, as designated by the individual:

- (1) The individual.**
- (2) His or her legal guardian, if applicable.**
- (3) Close family members/advocates.**
- (4) The provider providing case management services to the individual.**
- (5) Providers providing services to the individual.**
- (6) A BDDS service coordinator.**
- (7) Others identified by the individual as being important in his or her life.**

(b) The responsibility for assuring the convening of the individual's support team and the development of the ISP shall be the responsibility of:

- (1) the provider providing case management services to the individual if the individual receives case management services;
- (2) the individual's QMRP if the individual is receiving services in an ICF/MR; or
- (3) the BDDS service coordinator if the individual does not receive case management services or is not receiving services in an ICF/MR.

If an individual is receiving services in an ICF/MR and a ISP is not in place, the individual's service coordinator shall work with the individual's QMRP to assure development of an ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-3*)

460 IAC 7-4-4 Written ISP

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. The support team shall develop a written ISP that contains all of the sections required by 460 IAC 7-5. A profile sheet shall be attached to the ISP. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-4*)

460 IAC 7-4-5 Updating the ISP

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. The ISP shall be updated:

- (1) whenever a change in the individual's condition or circumstances warrants the updating the individual's ISP; or
- (2) annually.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-4-5*)

Rule 5. Sections of an ISP

460 IAC 7-5-1 Sections of an ISP

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. An ISP shall have the following sections:

- (1) Personal and demographic information section.
- (2) Individual's diagnosis section.
- (3) Individual's emergency contacts section.
- (4) Outcome section.
- (5) Statement of agreement section.
- (6) Individualized support plan participants section.
- (7) Meeting issues and requirements section.
- (8) An optional attachment regarding resources.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-1*)

460 IAC 7-5-2 Personal and demographic information section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 2. The personal and demographic information section shall contain the following:

- (1) The individual's last name, first name, and middle initial.
- (2) The individual's address.
- (3) The individual's date of birth.
- (4) If applicable, the individual's Medicaid recipient number.
- (5) The individual's legal status.

(6) The individual's current living arrangement.

(7) An indication of whether or not the individual is in school, is employed, or has another daily routine. If the individual has another daily routine, the daily routine shall be described.

(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-2)

460 IAC 7-5-3 Diagnosis section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 3. The diagnosis section shall identify the individual's primary diagnosis, and, if applicable, a secondary diagnosis. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-3)*

460 IAC 7-5-4 Emergency contacts section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. The emergency contacts section shall contain the name, phone number, relationship, addresses, and an alternate contact method for any emergency contacts for the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-4)*

460 IAC 7-5-5 Outcome section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 5. (a) The outcome section shall include all outcomes for the individual.

(b) Each outcome listed in the ISP shall contain the following:

(1) The desired outcome for the individual.

(2) The individual's current status regarding attainment of the outcome. Current status information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.

(3) The individual's past experience with the outcome. Past experience information shall be based upon the support team's discussions during the development of the ISP and a review of relevant documentation.

(4) Proposed strategies and activities for meeting and attaining the outcome.

(A) Multiple strategies can be used to meet more than one (1) outcome.

(B) Preferred strategies shall be assessed through discussion during the development of the ISP and shall include input from the individual and the individual's guardian or family members, or both.

Each strategy shall be clearly outlined and include all related information.

(5) The party or parties, paid or unpaid, responsible for assisting the individual in meeting the outcome. A responsible party cannot be changed unless the support team is reconvened and the ISP is amended to reflect a change in responsible party.

(6) Time frame for accomplishment of the outcome, which shall not exceed one (1) year.

(c) An area for progress notes shall be included for each outcome. Information can be added in this area, at any time during the life of the ISP, identifying progress made in meeting the desired outcome. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-5)*

460 IAC 7-5-6 Statement of agreement section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 6. The statement of agreement section shall contain the following sentence: "I have been involved in the development of my Individualized Support Plan and I agree with this Plan. I know I can appeal to the DDARS if I disagree with how this plan is put into action.". There shall be a signature and date line for the individual to sign. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-6)*

460 IAC 7-5-7 Individualized support plan participants section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. (a) The individualized support plan participants section shall list each person participating in the development of the ISP.

(b) The relationship of each participant to the individual shall be indicated.

(c) The date or dates the ISP was forwarded to each participant shall be indicated.

(d) The method by which the ISP was forwarded to the participant shall be indicated. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-7*)

460 IAC 7-5-8 Meeting issues and requirements section

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 8. (a) The meeting issues and requirements section shall have a subsection regarding health and behavioral issues as follows:

(1) The health and behavioral issues section shall indicate if a provider is needed to provide health and behavioral supports and if a provider is needed, the provider responsible for providing health and behavioral supports.

(2) Health and behavioral issues included in health and behavioral issues section shall include, as applicable, the following:

(A) Seizures or history of seizures.

(B) Allergies or history of allergies.

(C) Uses or requires dentures.

(D) Chewing difficulties.

(E) Swallowing difficulties.

(F) Dining difficulties.

(G) Vision difficulties.

(H) Hearing difficulties.

(I) Speaking difficulties or the individual's mode of communication.

(J) Behavior issues.

(K) Health or behavior issue identified as a result of a review of incident reports concerning the individual.

(L) Medication or self medication issues, or both.

(M) Results of laboratory testing.

(N) Any other chronic condition or healthcare issue.

(3) The health and behavioral issues section shall identify the following:

(A) The individual's regular family physician.

(B) The individual's dentist.

(C) Any specialist with whom the individual consults.

(4) For each health issue or behavioral issue that is identified, a comment section shall be included that contains a discussion of how the health issue or behavioral issue:

(A) affects the individual; and

(B) is addressed by the ISP.

(b) The meeting issues and requirements section shall have a subsection identifying any environmental requirements the individual may have, including the following:

(1) The environmental requirements section shall indicate if a provider is needed to provide environmental and living arrangement supports and if a provider is needed, the provider responsible for providing environmental and living arrangement supports.

(2) The environmental requirements section shall include, as applicable, the following:

(A) The provider responsible for environment and living arrangement supports.

- (B) Carbon monoxide detectors.
- (C) Smoke detectors.
- (D) Emergency phone numbers.
- (E) Emergency evacuation routes and plan.
- (F) Fire extinguishers.
- (G) Insurance.
- (H) Anti-scaling devices.
- (I) Devices and home modifications.
- (J) Personal emergency response system.
- (K) Need for a photograph in the individual's personal file.
- (L) Transportation.
- (M) Individual property and financial resources.

(3) For each environmental requirement that is identified in the ISP, a comment section shall be included that contains a discussion of how the environmental need:

- (A) affects the individual; and
- (B) is addressed by the ISP.

(c) The meeting issues and requirements section shall have a subsection identifying the following provider requirements:

- (1) If the individual is receiving case management services, when the provider providing case management services shall make the first contact with the individual.
- (2) If the individual is receiving case management services, the minimum frequency of contacts the provider providing case management services shall have with the individual.
- (3) The provider who is to maintain the individual's personal file.
- (4) How often each provider shall analyze and update the provider's records.
- (5) How often the individual shall be informed of the following:
 - (A) Medical condition.
 - (B) Developmental status.
 - (C) Behavior status.
 - (D) Risk of treatment.

(d) **Right to refuse treatment.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-8*)

460 IAC 7-5-9 Optional attachment: resources

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 9. An optional resources attachment regarding resources may be attached to the ISP. If an optional resources attachment is used it may indicate the following:

- (1) The funding supports the individual currently receives.
- (2) The funding supports the support team discussed during the development of the ISP.
- (3) The funding supports the individual does not desire to receive.
- (4) The funding supports for which the individual has applied.
- (5) Any funding supports for which the individual is on a waiting list.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 7-5-9*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on November 25, 2002 at 2:00 p.m. and 5:00 p.m., at the Indianapolis-Marion County Public Library, 4180 North College Avenue, Indianapolis, Indiana; AND on November 25, 2002 at 2:00 p.m. and 5:00 p.m., at the Porter County Public Library, 103 Jefferson Street, Valparaiso, Indiana; AND on November 25, 2002 at 2:00 p.m. and 5:00 p.m., at the New Albany-Floyd County Public Library, 180 West Spring Street, New Albany, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on proposed new rules concerning the standards and requirements for individualized support plans for eligible individuals with a

developmental disability. If an accommodation is required to allow an individual with a disability to participate in a public hearing, please contact Jean Oswalt at (317) 232-1161 at least 48 hours before the hearing. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Steven C. Cook
Director
Division of Disability, Aging, and Rehabilitative Services