

IC 12-7-3

Chapter 3. Effect of Previously Adopted Rules

IC 12-7-3-1

Treatment of rules adopted by department of mental health concerning developmental disabilities

Sec. 1. (a) A rule adopted by the department of mental health concerning developmental disabilities under IC 16-13-1 (before its repeal by P.L.9-1991) is valid and effective until the division of aging and rehabilitative services adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the department of mental health rule; or

(2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the division of aging and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of aging and rehabilitative services and not the department of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-2

Treatment of rules adopted by department of mental health concerning case management services for developmentally disabled

Sec. 2. (a) A rule adopted by the department of mental health concerning case management services for developmentally disabled persons under IC 16-14-31 (before its repeal by P.L.9-1991) is valid and effective until the division of aging and rehabilitative services adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the department of mental health rule; or

(2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the division of aging and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of aging and rehabilitative services and not the department of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-3

Treatment of rules adopted by department of mental health

concerning residential facilities

Sec. 3. (a) A rule adopted by the department of mental health concerning residential facilities under IC 16-13-21 or IC 16-13-22, as amended by P.L.9-1991 and before their repeal, is valid and effective until the division of aging and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the department of mental health rule; or
- (2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the department of mental health that has been transferred to the division of aging and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of aging and rehabilitative services and not the department of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-4

Treatment of rules adopted by state board of health concerning child care licensing

Sec. 4. (a) A rule adopted by the state board of health concerning child care licensing under IC 12-3-2, as amended by P.L.9-1991 and before its repeal, is valid and effective until the division of family and children adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the state board of health rule; or
- (2) repeals the state board of health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the state board of health before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the state board of health that has been transferred to the division of family and children under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of family and children and not the state board of health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-5

Treatment of rules adopted by state department of public welfare concerning room and board assistance

Sec. 5. (a) A rule adopted by the state department of public welfare concerning room and board assistance under IC 12-1-5.5, as repealed by P.L.9-1991, is valid and effective until the division of aging and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the state department of public

welfare rule; or

(2) repeals the state department of public welfare rule.

(b) Notwithstanding subsection (a), if a rule adopted by the state department of public welfare before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the state department of public welfare that has been transferred to the division of aging and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the office of Medicaid policy and planning established under IC 12-6-6 (before its repeal) and not the state board of public welfare.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-6

Treatment of rules adopted by state department of public welfare concerning Medicaid

Sec. 6. (a) A rule adopted by the state department of public welfare concerning the state medical assistance plan (Medicaid) under IC 12-1-7 (before its repeal) before January 1, 1992, is valid and effective until the secretary appointed under IC 12-6-2-2 (before its repeal) adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the state department of public welfare rule; or

(2) repeals the state department of public welfare rule.

(b) Notwithstanding subsection (a), if a rule adopted by the state department of public welfare before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the state department of public welfare that has been transferred to the secretary appointed under IC 12-6-2-2 (before its repeal) under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the office of Medicaid policy and planning established under IC 12-6-6 (before its repeal) and not the state department of public welfare.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-7

Treatment of rules adopted by department of human services concerning social services

Sec. 7. (a) A rule adopted by the department of human services concerning social services under IC 4-28-6, as repealed by P.L.9-1991, is valid and effective until the division of family and children adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the department of human services rule; or

(2) repeals the department of aging and rehabilitative services rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of human services before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of human services that has been transferred to the division of family and children under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of family and children and not the department of human services.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-8

Treatment of rules adopted by interdepartmental board for the coordination of human services concerning the school age child care project fund

Sec. 8. (a) A rule adopted by the interdepartmental board for the coordination of human services concerning the school age child care project fund under IC 20-5-61, as repealed by P.L.9-1991, is valid and effective until the division of family and children adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the interdepartmental board for the coordination of human services rule; or

(2) repeals the interdepartmental board for the coordination of human services rule.

(b) Notwithstanding subsection (a), if a rule adopted by the interdepartmental board for the coordination of human services before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the interdepartmental board for the coordination of human services that has been transferred to the division of family and children under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of family and children and not the interdepartmental board for the coordination of human services.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-9

Treatment of rules adopted by department of mental health concerning epilepsy services

Sec. 9. (a) A rule adopted by the department of mental health concerning epilepsy services is valid and effective until the division of aging and rehabilitative services adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the department of mental health rule; or

(2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the division of aging and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of aging and rehabilitative services and not the department of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-10

Treatment of rules adopted by department of mental health concerning the handicapped infants and toddlers program

Sec. 10. (a) Except as provided in subsection (b), a rule adopted by the department of mental health concerning the handicapped infants and toddlers program, before its repeal by P.L.9-1991, is valid and effective until the section of child care services within the division of family and children adopts a rule under IC 4-22-2 that supersedes in whole or in part or otherwise repeals the department of mental health rule for the infants and toddlers with disabilities program under IC 12-17-14, as added by P.L.20-1992, and before its repeal.

(b) If a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the section of child care services within the division of family and children;

the rule shall be interpreted to constitute an authorization to the section of child care services within the division of family and children and not the division of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-11

Treatment of rules adopted by Indiana state board of education concerning the school age child care project fund

Sec. 11. (a) Except as provided in subsection (b), a rule adopted by the Indiana state board of education concerning the school age child care project fund, before its repeal by P.L.9-1991, is valid and effective until the section of child care services within the division of family and children adopts a rule under IC 4-22-2 that supersedes in whole or in part or otherwise repeals the Indiana state board of education rule for the school age child care project program established under IC 12-17-12, as amended by P.L.20-1992, and before its repeal.

(b) If a rule adopted by the Indiana state board of education before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the Indiana state board of education that has been transferred to the section of child care services

within the division of family and children;
the rule shall be interpreted to constitute an authorization to the section of child care services within the division of family and children and not the Indiana state board of education.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-12

Treatment of rules adopted by department of mental health concerning handicapped infants and toddlers program

Sec. 12. (a) Except as provided in subsection (b), a rule adopted by the department of mental health concerning the handicapped infants and toddlers program, before its repeal by P.L.9-1991, is valid and effective until the section of child care services within the division of family and children adopts a rule under IC 4-22-2 that supersedes in whole or in part or otherwise repeals the department of mental health rule for the infants and toddlers with disabilities program under IC 12-17-15, as added by P.L.21-1992, and before its repeal.

(b) If a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the section of child care services within the division of family and children;

the rule shall be interpreted to constitute an authorization to the section of child care services within the division of family and children and not the division of mental health.

As added by P.L.220-2011, SEC.253.

IC 12-7-3-13

Treatment of rules adopted by interdepartmental board for the coordination of human services concerning the school age child care project fund

Sec. 13. (a) Except as provided in subsection (b), a rule adopted by the interdepartmental board for the coordination of human service programs concerning the school age child care project fund, before its repeal by P.L.9-1991, is valid and effective until the section of child care services within the division of family and children adopts a rule under IC 4-22-2 that supersedes in whole or in part or otherwise repeals the interdepartmental board rule for the school age child care project program established under IC 12-17-12.

(b) If a rule adopted by the interdepartmental board for the coordination of human service programs before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the interdepartmental board that has been transferred to the section of child care services within the division of family and children;

the rule shall be interpreted to constitute an authorization to the

section of child care services within the division of family and children and not the interdepartmental board for the coordination of human service programs.

As added by P.L.220-2011, SEC.253.