



February 15, 2019

HOUSE BILL No. 1488

DIGEST OF HB 1488 (Updated February 13, 2019 5:07 pm - DI 134)

Citations Affected: IC 12-11; IC 12-12; IC 12-15.

Synopsis: Rehabilitation and community based services. Requires the division of disability and rehabilitative services (division) to develop a plan to establish a statewide crisis assistance system program for individuals with developmental disabilities and sets forth requirements of the program. Adds four legislative members to the task force for assessment of services and supports for people with intellectual and other developmental disabilities (task force). Provides that the task force shall meet twice a year to receive a report from the office of the secretary of family and social services (office) on the implementation of the comprehensive plan of implementation of community based services provided to people with intellectual and other developmental disabilities (implementation plan). Provides that: (1) at the first annual meeting, the office shall report on the progress made in implementing each recommendation of the implementation plan; and (2) at the second annual meeting, the office shall report any legislative changes needed to implement any recommendation of the implementation plan. Changes the expiration date of the task force from December 31, 2018, to December 31, 2025, and makes all changes to the task force retroactive to December 30, 2018. Requires the rehabilitation services bureau to develop a plan to serve all service priority categories under order of selection not later than December 31, 2021. Requires the division of disability and rehabilitative services, in coordination with the task force, to establish new priority categories for individuals served by a waiver.

Effective: December 30, 2018 (retroactive); July 1, 2019.

Clere, Karickhoff, Porter, Mayfield

January 16, 2019, read first time and referred to Committee on Public Health.
January 31, 2019, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 14, 2019, amended, reported — Do Pass.

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February 15, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1488

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-11-6-1, AS AMENDED BY P.L.99-2007,
2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. The division is responsible for the following:
4 (1) Planning, research, and the development of developmental
5 services directed toward the prevention and alleviation of
6 developmental disabilities or toward the social, personal,
7 physical, or economic habilitation or rehabilitation of an
8 individual with such a disability.
9 (2) The coordination of the various governmental services,
10 activities, and programs in Indiana relating to individuals with a
11 developmental disability.
12 (3) Administering the state aided services for individuals with a
13 developmental disability.
14 (4) **Before July 1, 2020, in coordination with the task force**
15 **established by IC 12-11-15-2, developing a plan to establish a**
16 **statewide crisis assistance program not later than July 1,**
17 **2021, for individuals with developmental disabilities.**

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1 SECTION 2. IC 12-11-15-2, AS ADDED BY P.L.81-2017,
 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 DECEMBER 30, 2018 (RETROACTIVE)]: Sec. 2. (a) The task force
 4 for assessment of services and supports for people with intellectual and
 5 other developmental disabilities is established.

6 (b) The task force consists of ~~seventeen (17)~~ **twenty-one (21)** voting
 7 members, ~~appointed by the governor~~, including:

8 (1) one (1) member representing the division of disability and
 9 rehabilitative services, **appointed by the governor;**

10 (2) one (1) member representing the office of Medicaid policy
 11 and planning, **appointed by the governor;**

12 (3) one (1) member representing the division of mental health and
 13 addiction, **appointed by the governor;**

14 (4) one (1) member representing the governor's council for people
 15 with disabilities, **appointed by the governor;**

16 (5) one (1) member representing the department of education,
 17 **appointed by the governor;**

18 (6) one (1) member representing the state department of health,
 19 **appointed by the governor;**

20 (7) one (1) member representing the division of aging, **appointed**
 21 **by the governor;**

22 (8) one (1) member representing the department of child services,
 23 **appointed by the governor;**

24 (9) one (1) member representing a statewide, nonprofit
 25 organization that advocates for people with intellectual and other
 26 developmental disabilities, **appointed by the governor;**

27 (10) one (1) member representing a trade association of providers
 28 that deliver services to people with intellectual and other
 29 developmental disabilities, **appointed by the governor;**

30 (11) two (2) members who are family members of people with
 31 intellectual or other developmental disabilities, **appointed by the**
 32 **governor;**

33 (12) two (2) members who are consumers of services for people
 34 with intellectual and other developmental disabilities, **appointed**
 35 **by the governor;**

36 (13) two (2) members who are employees of organizations that
 37 provide services to people with intellectual and other
 38 developmental disabilities, **and appointed by the governor;**

39 (14) one (1) member who is the secretary or the secretary's
 40 designee;

41 **(15) one (1) member who:**

42 **(A) represents the house of representatives;**



- 1 (B) is appointed by the speaker of the house of
 2 representatives; and
 3 (C) is not a member of the same political party as the
 4 member appointed under subdivision (16);
 5 (16) one (1) member who:
 6 (A) represents the house of representatives;
 7 (B) is appointed by the minority leader of the house of
 8 representatives; and
 9 (C) is not a member of the same political party as the
 10 member appointed under subdivision (15);
 11 (17) one (1) member who:
 12 (A) represents the senate;
 13 (B) is appointed by the president pro tempore of the
 14 senate; and
 15 (C) is not a member of the same political party as the
 16 member appointed under subdivision (18); and
 17 (18) one (1) member who:
 18 (A) represents the senate;
 19 (B) is appointed by the minority leader of the senate; and
 20 (C) is not a member of the same political party as the
 21 member appointed under subdivision (17).
 22 (c) The governor or the governor's designee:
 23 (1) is a nonvoting member of the task force; and
 24 (2) shall serve as the chairperson.
 25 (d) The expenses of the task force shall be paid by the office of the
 26 secretary of family and social services.
 27 (e) A quorum consists of the majority of the members of the task
 28 force.
 29 (f) The affirmative votes of a majority of the voting members
 30 appointed to the task force are required for the task force to act on any
 31 measure.
 32 (g) The members of the task force serve at the pleasure of the
 33 governor.
 34 (h) The chairperson of the task force shall fill any vacancy on the
 35 task force not later than forty-five (45) days after the vacancy occurs.
 36 SECTION 3. IC 12-11-15-4.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE DECEMBER 30, 2018 (RETROACTIVE)]: **Sec. 4.5. (a)**
 39 **As used in this section, "plan" refers to the plan required under**
 40 **section 4 of this chapter.**
 41 (b) **The task force shall meet at least twice annually to receive**
 42 **an implementation report from the office of the secretary of family**



1 and social services regarding implementation of the plan, as
2 follows:

3 (1) The task force shall meet not later than June 15 of each
4 year. At this meeting, the office of the secretary of family and
5 social services shall provide a report to the task force that:

6 (A) outlines each recommendation of the plan; and

7 (B) describes the progress made toward implementation of
8 each recommendation of the plan.

9 (2) The task force shall meet not later than November 20 of
10 each year. At this meeting, the office of the secretary of family
11 and social services shall provide a report to the task force
12 describing any legislative changes needed to implement any
13 recommendation of the plan.

14 The chairperson of the task force may call additional meetings of
15 the task force as needed.

16 SECTION 4. IC 12-11-15-6, AS ADDED BY P.L.81-2017,
17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 DECEMBER 30, 2018 (RETROACTIVE)]: Sec. 6. This chapter
19 expires December 31, ~~2018~~ 2025.

20 SECTION 5. IC 12-12-1-5 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The bureau shall
22 provide job placement services, including supported employment (as
23 defined in 34 CFR 363.6), on a consistent statewide basis for qualified
24 blind, visually impaired, and other persons with disabilities.

25 (b) The bureau shall increase employment opportunities for persons
26 with disabilities by encouraging and authorizing direct job placements
27 into any job that is chosen by the vocational rehabilitation client,
28 including a job provided by any organization that has a contract with
29 the bureau to provide vocational rehabilitation services.

30 (c) As used in this subsection, "order of selection" means the
31 procedure used by the division to determine the priority in which
32 eligible individuals will receive vocational rehabilitation services
33 if there are insufficient resources to serve all eligible individuals in
34 Indiana who apply for vocational rehabilitation services. Before
35 December 31, 2019, the bureau shall develop a plan to serve all
36 service priority categories under order of selection not later than
37 December 31, 2021.

38 SECTION 6. IC 12-15-1.3-15, AS AMENDED BY P.L.35-2016,
39 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2019]: Sec. 15. (a) As used in this section, "division" refers to
41 the division of disability and rehabilitative services established by
42 IC 12-9-1-1.



1 (b) As used in this section, "waiver" refers to any waiver
 2 administered by the office and the division under section 1915(c) of the
 3 federal Social Security Act.

4 (c) ~~Before October 1, 2011~~, The office shall apply to the United
 5 States Department of Health and Human Services for approval to
 6 amend a waiver to set an emergency placement priority for individuals
 7 in the following situations:

8 (1) Death of a primary caregiver where alternative placement in
 9 a supervised group living setting:

10 (A) is not available; or

11 (B) is determined by the division to be an inappropriate option.

12 (2) A situation in which:

13 (A) the primary caregiver is at least eighty (80) years of age;
 14 and

15 (B) alternate placement in a supervised group living setting is
 16 not available or is determined by the division to be an
 17 inappropriate option.

18 (3) There is evidence of abuse or neglect in the current
 19 institutional or home placement, and alternate placement in a
 20 supervised group living setting is not available or is determined
 21 by the division to be an inappropriate option.

22 (4) There are other health and safety risks, as determined by the
 23 division director, and alternate placement in a supervised group
 24 living setting is not available or is determined by the division to
 25 be an inappropriate option.

26 (d) The division shall report on a quarterly basis the following
 27 information to the division of disability and rehabilitative services
 28 advisory council established by IC 12-9-4-2 concerning each Medicaid
 29 waiver for which the office has been approved under this section to
 30 administer an emergency placement priority for individuals described
 31 in this section:

32 (1) The number of applications for emergency placement priority
 33 waivers.

34 (2) The number of individuals served on the waiver.

35 (3) The number of individuals on a wait list for the waiver.

36 **(e) Before July 1, 2021, the division, in coordination with the**
 37 **task force established by IC 12-11-15-2, shall establish new priority**
 38 **categories for individuals served by a waiver.**

39 ~~(e)~~ (f) The office may adopt rules under IC 4-22-2 necessary to
 40 implement this section.

41 SECTION 7. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 12, strike "Before".

Page 5, line 12, delete "September 1, 2019, the" and insert "The".

Page 5, line 15, delete "determined to be eligible by the division director or".

Page 6, between lines 2 and 3, begin a new paragraph and insert:

"(e) Before July 1, 2021, the division, in coordination with the task force established by IC 12-11-15-2, shall establish new priority categories for individuals served by a waiver."

Page 6, line 3, strike "(e)" and insert "(f)".

and when so amended that said bill do pass.

(Reference is to HB 1488 as introduced.)

KIRCHHOFER

Committee Vote: yeas 12, nays 0.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1488, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 14 through 17, begin a new line block indented and insert:

"(4) Before July 1, 2020, in coordination with the task force established by IC 12-11-15-2, developing a plan to establish a statewide crisis assistance program not later than July 1, 2021, for individuals with developmental disabilities."

Page 2, delete lines 1 through 8.

Page 6, delete lines 7 through 42.

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Delete page 7.

Page 8, delete lines 1 through 25.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1488 as printed February 1, 2019.)

HUSTON

Committee Vote: yeas 20, nays 0.

