

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 ENROLLED ACT No. 1488

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:

SECTION 1. IC 12-7-2-190.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 190.2. (a) "Task force", for purposes of IC 12-11-15.5, has the meaning set forth in IC 12-11-15.5-1.**

(b) This section expires December 31, 2025.

SECTION 2. IC 12-11-6-1, AS AMENDED BY P.L.99-2007, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. The division is responsible for the following:

- (1) Planning, research, and the development of developmental services directed toward the prevention and alleviation of developmental disabilities or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability.
- (2) The coordination of the various governmental services, activities, and programs in Indiana relating to individuals with a developmental disability.
- (3) Administering the state aided services for individuals with a developmental disability.
- (4) Before July 1, 2020, in coordination with the task force established by IC 12-11-15.5-2, developing a plan to establish**

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a statewide crisis assistance program not later than July 1, 2021, for individuals with developmental disabilities.

SECTION 3. IC 12-11-15.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15.5. Services for Individuals With Intellectual and Other Developmental Disabilities Task Force

Sec. 1. As used in this chapter, "task force" refers to the services for individuals with intellectual and other developmental disabilities task force established by section 2 of this chapter.

Sec. 2. (a) The services for individuals with intellectual and other developmental disabilities task force is established.

(b) The task force consists of twenty-one (21) members as follows:

- (1)** One (1) member representing the division of disability and rehabilitative services.
- (2)** One (1) member representing the office of Medicaid policy and planning.
- (3)** One (1) member representing the division of mental health and addiction.
- (4)** One (1) member representing the governor's council for people with disabilities.
- (5)** One (1) member representing the department of education.
- (6)** One (1) member representing the state department of health.
- (7)** One (1) member representing the division of aging.
- (8)** One (1) member representing the department of child services.
- (9)** One (1) member representing a statewide, nonprofit organization that advocates for people with intellectual and other developmental disabilities.
- (10)** One (1) member representing a trade association of providers that deliver services to people with intellectual and other developmental disabilities.
- (11)** Two (2) members who are family members of people with intellectual or other developmental disabilities.
- (12)** Two (2) members who are consumers of services for people with intellectual and other developmental disabilities.
- (13)** Two (2) members who are employees of organizations that provide services to people with intellectual and other developmental disabilities.



(14) One (1) member who is the secretary or the secretary's designee.

(15) One (1) member who:

- (A) represents the house of representatives;**
- (B) is appointed by the speaker of the house of representatives; and**
- (C) is not a member of the same political party as the member appointed under subdivision (16).**

(16) One (1) member who:

- (A) represents the house of representatives;**
- (B) is appointed by the minority leader of the house of representatives; and**
- (C) is not a member of the same political party as the member appointed under subdivision (15).**

(17) One (1) member who:

- (A) represents the senate;**
- (B) is appointed by the president pro tempore of the senate; and**
- (C) is not a member of the same political party as the member appointed under subdivision (18).**

(18) One (1) member who:

- (A) represents the senate;**
- (B) is appointed by the minority leader of the senate; and**
- (C) is not a member of the same political party as the member appointed under subdivision (17).**

(c) The governor shall appoint the members described in subsection (b)(1) through (b)(13) and these members serve at the pleasure of the governor.

(d) The governor or the governor's designee:

- (1) is a nonvoting member of the task force; and**
- (2) shall serve as the chairperson.**

(e) The expenses of the task force shall be paid by the office of the secretary of family and social services.

(f) A quorum consists of the majority of the members of the task force.

(g) The affirmative votes of a majority of the voting members appointed to the task force are required for the task force to take action on any measure.

(h) The appointing authority shall fill any vacancy on the task force not later than forty-five (45) days after the vacancy occurs.

Sec. 3. (a) A member of the task force who is not a state employee is entitled to the minimum salary per diem provided by



IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) A member of the task force who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) A member of the task force who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

Sec. 4. (a) As used in this section, "plan" refers to the comprehensive plan of community based services provided to people with intellectual and other developmental disabilities developed by IC 12-11-15-4 (before its expiration).

(b) The task force shall meet at least twice annually to receive an implementation report from the office of the secretary of family and social services regarding implementation of the plan, as follows:

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

(A) outlines each recommendation of the plan; and

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

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

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

Sec. 5. The office of the secretary of family and social services



shall staff the task force.

Sec. 6. This chapter expires December 31, 2025.

SECTION 4. IC 12-12-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) The bureau shall provide job placement services, including supported employment (as defined in 34 CFR 363.6), on a consistent statewide basis for qualified blind, visually impaired, and other persons with disabilities.

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

(c) Before December 31, 2019, the division shall determine the following concerning the division's program that provides vocational rehabilitation services to eligible individuals:

- (1) The cost of vocational rehabilitation services provided in state fiscal year 2018 and state fiscal year 2019.**
- (2) An estimate of the number of eligible individuals for rehabilitation services for whom the division can provide the services and the number of eligible individuals to be deferred between state fiscal year 2020 and state fiscal year 2025.**
- (3) The projected staffing and fiscal resources needed to provide services to eligible individuals.**
- (4) The current service provider capacity.**
- (5) The projected service provider capacity needed to serve additional priority categories of individuals.**
- (6) The adequacy of current reimbursement rates.**

(d) Before July 31 of each year, the division shall assess the following concerning the vocational rehabilitation services program:

- (1) Available staffing and fiscal resources.**
- (2) The achievement of benchmarks in a plan to provide the full range of needed services to all eligible individuals.**
- (3) Meeting the requirements set forth in 34 CFR 361.36 to provide services to all eligible individuals.**

(e) The division shall report to the commission on rehabilitation services under IC 12-12-2 and the task force established under IC 12-11-15.5 concerning the division's assessment under subsection (d).

(f) The division shall, upon determining that the staffing and financial resources determined under this section are in place, do the following:



(1) Begin to serve deferred individuals in the first closed priority category not later than January 1, 2020.

(2) Begin to serve deferred individuals in the final closed priority category not later than June 30, 2022.

(3) Begin to serve all service priority categories not later than June 30, 2024.

SECTION 5. IC 12-15-1.3-15, AS AMENDED BY P.L.35-2016, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. (a) As used in this section, "division" refers to the division of disability and rehabilitative services established by IC 12-9-1-1.

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

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

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

(A) is not available; or

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

(2) A situation in which:

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

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

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

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

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



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

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

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

(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.

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

SECTION 6. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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