

IC 12-11-2.1

Chapter 2.1. Service Coordination Services for Developmentally Disabled Individuals

IC 12-11-2.1-1

Diagnostic assessment

Sec. 1. (a) The bureau shall determine whether or not an individual has a developmental disability. For individuals for whom there is not enough current information available to make a determination of eligibility, the bureau shall use the results of a diagnostic assessment in determining whether an individual has a developmental disability. A diagnostic assessment must include the following:

- (1) Diagnostic information concerning the individual's functioning level and medical and habilitation needs.
- (2) All information necessary for the use of the office of Medicaid policy and planning, the Indiana health facilities, home health care, and hospice council, and the division.
- (3) The use of all appropriate assessments conducted under rules adopted under IC 16-28.

(b) An individual who is found not to have a developmental disability may appeal the bureau's finding under IC 4-21.5.

(c) If an individual is determined to have a developmental disability, the office shall determine whether the individual meets the appropriate federal level of care requirements.

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.76; P.L.197-2011, SEC.41.

IC 12-11-2.1-2

Service coordination services

Sec. 2. The bureau shall, within the limits of available resources, provide service coordination services to individuals with a developmental disability. Service coordination services must include the development of an individual service plan.

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.77.

IC 12-11-2.1-3

Services provided through individual service plan

Sec. 3. All services provided to an individual must be provided under the individual service plan of the individual with a disability. To the extent that services described in IC 12-11-1.1-1(e) are available and meet the individual's needs, services provided to an individual shall be provided in the least restrictive environment possible.

As added by P.L.272-1999, SEC.34. Amended by P.L.14-2000, SEC.29; P.L.99-2007, SEC.78.

IC 12-11-2.1-4

Placement authority

Sec. 4. The bureau shall serve as the placement authority for individuals with a developmental disability under service plans developed under this chapter, including all placements in an intermediate care facility.

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.79; P.L.188-2013, SEC.8.

IC 12-11-2.1-5

Authorizing services for individual in community based setting

Sec. 5. When authorizing services for an individual with a developmental disability in a community based setting, the bureau shall give equal consideration based on need between:

- (1) individuals who resided with a family member, relative, or guardian immediately before the community based residential placement; and
- (2) individuals being placed from:
 - (A) an intermediate care facility; or
 - (B) a nursing facility.

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.80; P.L.188-2013, SEC.9.

IC 12-11-2.1-6

Approval of placement in intermediate care facility

Sec. 6. The bureau may not approve the initial placement of a developmentally disabled individual in an intermediate care facility for the mentally retarded serving more than eight (8) individuals or a nursing facility unless:

- (1) the individual has medical needs; and
- (2) the placement is appropriate to the individual's needs.

If the placement is in a nursing facility, that placement must be appropriate to an individual's needs based upon preadmission screening conducted under IC 12-10-12.

As added by P.L.272-1999, SEC.34.

IC 12-11-2.1-7

Service plan for individual discharged or on outpatient status from state institution

Sec. 7. Before an individual with a developmental disability is:

- (1) discharged from a state institution; or
- (2) placed on outpatient status under IC 12-26-14 by a state institution;

the bureau shall develop a service plan for the individual under section 2 of this chapter.

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.81.

IC 12-11-2.1-8

Repealed

(Repealed by P.L.188-2013, SEC.10.)

IC 12-11-2.1-9

Memorandum of understanding concerning referrals

Sec. 9. The division of mental health and addiction and the division shall enter into a memorandum of understanding concerning referrals to the bureau of developmentally disabled individuals discharged from or on an outpatient status from a state institution operated by the division of mental health and addiction.

As added by P.L.272-1999, SEC.34. Amended by P.L.215-2001, SEC.39.

IC 12-11-2.1-10

Personal and vocational counselors required

Sec. 10. The division shall require service coordination personnel and vocational counselors to coordinate their services.

As added by P.L.272-1999, SEC.34.

IC 12-11-2.1-11

Decertified individuals receiving services; resources

Sec. 11. (a) An individual who:

(1) is receiving services for individuals with a developmental disability that are funded by Medicaid; and

(2) has been decertified by the office because the individual fails to meet appropriate federal level of care requirements;

must continue to receive the same services, unless an appropriate individual service plan has been developed outlining the services needed by the individual to live in the least restrictive environment.

(b) After available federal, local, and individual resources have been used, unencumbered state appropriations that are available, as determined by the budget director, must be used to implement plans developed under subsection (a).

As added by P.L.272-1999, SEC.34. Amended by P.L.99-2007, SEC.83.

IC 12-11-2.1-12

Rules

Sec. 12. The director of the division may adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.272-1999, SEC.34.