

**IC 12-28-5**  
**Chapter 5. Duties of the Division**

**IC 12-28-5-1**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-2**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-3**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-4**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-5**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-6**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-7**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-8**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-9**  
**Repealed**  
*(Repealed by P.L.229-2011, SEC.273.)*

**IC 12-28-5-10**  
**Duties**

Sec. 10. The division shall do the following:

- (1) Determine the current and projected needs of each geographic area of Indiana for residential services for individuals with a developmental disability and, beginning July 1, 2012, annually report the findings to the division of disability and rehabilitative services advisory council established by IC 12-9-4-2.
- (2) Determine how the provision of developmental or vocational services for residents in these geographic areas

affects the availability of developmental or vocational services to individuals with a developmental disability living in their own homes and, beginning July 1, 2012, report the findings to the division of disability and rehabilitative services advisory council established by IC 12-9-4-2.

(3) Develop standards for licensure of supervised group living facilities regarding the following:

(A) A sanitary and safe environment for residents and employees.

(B) Classification of supervised group living facilities.

(C) Any other matters that will ensure that the residents will receive a residential environment.

(4) Develop standards for the approval of entities providing supported living services.

*As added by P.L.2-1992, SEC.22. Amended by P.L.23-1992, SEC.9; P.L.2-1993, SEC.116; P.L.4-1993, SEC.215; P.L.5-1993, SEC.228; P.L.6-1995, SEC.29; P.L.255-1996, SEC.8; P.L.263-2001, SEC.4; P.L.141-2006, SEC.75; P.L.99-2007, SEC.147; P.L.197-2011, SEC.45; P.L.229-2011, SEC.149; P.L.6-2012, SEC.99.*

#### **IC 12-28-5-11**

##### **License required for supervised group living facilities**

Sec. 11. (a) A supervised group living facility must have a license or provisional license issued under this chapter to operate.

(b) An entity that provides supported living services must be approved by the division under this chapter to operate.

*As added by P.L.2-1992, SEC.22. Amended by P.L.6-1995, SEC.30; P.L.263-2001, SEC.5; P.L.229-2011, SEC.150.*

#### **IC 12-28-5-12**

##### **Supervised group living facility entitled to license; location**

Sec. 12. (a) The division may license only those supervised group living facilities that:

(1) meet the standards established under section 10 of this chapter; and

(2) are necessary to provide adequate services to individuals with a developmental disability in that geographic area.

(b) Notwithstanding 431 IAC 1.1-3-7(c) and 431 IAC 1.1-3-7(d), the division shall license one (1) supervised group living facility that is located less than one thousand (1,000) feet from another supervised group living facility or a sheltered workshop under the following conditions:

(1) Both of the supervised group living facilities meet all standards for licensure as provided in section 10(3) of this chapter.

(2) Both of the supervised group living facilities are built on land that is owned by one (1) private entity.

(3) The supervised group living facilities provides job opportunities for residents of the supervised group living facilities, as appropriate.

(c) The division may approve an entity to provide supported living services only if the entity meets the standards established under section 10 of this chapter.

*As added by P.L.2-1992, SEC.22. Amended by P.L.6-1995, SEC.31; P.L.255-1996, SEC.9; P.L.6-1998, SEC.1; P.L.263-2001, SEC.6; P.L.170-2002, SEC.83; P.L.99-2007, SEC.148; P.L.229-2011, SEC.151.*

#### **IC 12-28-5-13**

##### **Revocation of license; hearing**

Sec. 13. The division may revoke:

- (1) the license of a supervised group living facility; or
- (2) the approval of an entity that provides supported living services;

that no longer meets the standards established under section 10 of this chapter after following the procedures prescribed by IC 4-21.5-3. If a hearing is provided for or authorized to be held by the division, the division may designate a person as its agent or representative to conduct a hearing. The agent or representative shall conduct the hearing under IC 4-21.5-3.

*As added by P.L.2-1992, SEC.22. Amended by P.L.6-1995, SEC.32; P.L.263-2001, SEC.7; P.L.229-2011, SEC.152.*

#### **IC 12-28-5-14**

##### **Provisional license**

Sec. 14. (a) The division may issue a provisional license to a facility that does not qualify for a license under section 12 of this chapter but that provides satisfactory evidence that the facility will qualify within a period prescribed by the division. The period may not exceed six (6) months.

(b) The division may issue provisional approval to an entity providing supported living services that does not qualify for approval under section 12 of this chapter but that provides satisfactory evidence that the entity will qualify within a period prescribed by the division. The period may not exceed six (6) months.

*As added by P.L.2-1992, SEC.22. Amended by P.L.263-2001, SEC.8; P.L.229-2011, SEC.153.*

#### **IC 12-28-5-15**

##### **Repealed**

*(Repealed by P.L.229-2011, SEC.273.)*

#### **IC 12-28-5-16**

##### **Division as primary state agency to plan and coordinate programs of supervised group living facilities and services**

Sec. 16. The division of disability and rehabilitative services is the primary state agency responsible for planning, developing, coordinating, and implementing the plan and program of supervised group living facilities and services, including developmental and vocational services, needed for individuals with a developmental

disability residing in those facilities. Other state agencies authorized by law or rule to carry out activities and control money that have a direct bearing upon the provision of supervised group living services shall enter into memoranda of understanding or contracts with the division of disability and rehabilitative services to ensure a coordinated utilization of resources and responsibilities.

*As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.217; P.L.5-1993, SEC.230; P.L.6-1995, SEC.34; P.L.141-2006, SEC.77; P.L.99-2007, SEC.149.*

#### **IC 12-28-5-17**

##### **Inspection of facilities**

Sec. 17. The inspection of a facility to determine its compliance with state licensure standards shall be conducted, to the extent feasible, at the same time as the inspection to determine its compliance with federal standards.

*As added by P.L.2-1992, SEC.22.*

#### **IC 12-28-5-18**

##### **Repealed**

*(Repealed by P.L.111-1997, SEC.9.)*

#### **IC 12-28-5-19**

##### **Rules to implement chapter**

Sec. 19. (a) The division may adopt rules under IC 4-22-2 to implement this chapter.

(b) After June 30, 2011, rules of the former community residential facilities council (repealed) are considered rules of the division.

*As added by P.L.23-1992, SEC.12. Amended by P.L.229-2011, SEC.154.*