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**TITLE 431 COMMUNITY RESIDENTIAL
FACILITIES COUNCIL**

Proposed Rule
LSA Document #02-211

DIGEST

Adds 431 IAC 7 to establish standards for the approval of entities providing supported living services to eligible individuals with a developmental disability. Effective 30 days after filing with the secretary of state.

431 IAC 7

SECTION 1. 431 IAC 7 IS ADDED TO READ AS FOLLOWS:

ARTICLE 7. SUPPORTED LIVING SERVICES AND SUPPORTS

Rule 1. Purpose

431 IAC 7-1-1 Purpose

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. The purpose of this article is to establish standards for the approval of providers of supported living services and supports to individuals with a developmental disability. *(Community Residential Facilities Council; 431 IAC 7-1-1)*

Rule 2. Applicability

431 IAC 7-2-1 Providers of services

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This article applies to the approval of providers of supported living services or supported living supports. *(Community Residential Facilities Council; 431 IAC 7-2-1)*

Rule 3. Definitions

431 IAC 7-3-1 Applicability of definitions

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. The definitions in this rule apply throughout this article. *(Community Residential Facilities Council; 431 IAC 7-3-1)*

431 IAC 7-3-2 Definitions incorporated by references

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. The council incorporates by reference into this rule the definitions set forth in 460 IAC 6-3. *(Community Residential Facilities Council; 431 IAC 7-3-2)*

Rule 4. Types of Supported Living Services and Supports

431 IAC 7-4-1 Incorporation by reference

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1; IC 12-28-5

Sec. 1. The council incorporates by reference into this rule the types of supported living services and supports set forth in 460 IAC 6-4-1. (Community Residential Facilities Council; 431 IAC 7-4-1)

Rule 5. Provider Qualifications

431 IAC 7-5-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (Community Residential Facilities Council; 431 IAC 7-5-1)

431 IAC 7-5-2 Incorporation by reference

Authority: IC 12-28-5-10; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. The council incorporates by reference into this rule the provider qualifications and provisions set forth in 460 IAC 6-5. (Community Residential Facilities Council; 431 IAC 7-5-2)

Rule 6. Application and Approval Process

431 IAC 7-6-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (Community Residential Facilities Council; 431 IAC 7-6-1)

431 IAC 7-6-2 Initial application

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 2. To receive initial approval as a supported living services or supports provider, BDDS shall submit findings to the council regarding the following for each supported living service or support for which the applicant is seeking to be an approved provider:

(1) The application on a form prescribed by the BDDS.

(2) Evidence that the provider meets the qualifications for each supported living service or support that the provider is seeking to be approved to provide as specified in this article.

(3) Supporting documents specified on the application form to demonstrate the applicant's programmatic, financial, and managerial ability to provide supported living services or supports as set out in this article.

(4) A written and signed statement that the applicant will comply with the provisions of this article.

(5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's ISP.

(Community Residential Facilities Council; 431 IAC 7-6-2)

431 IAC 7-6-3 Action on application

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 3. (a) The council, upon review of the recommendation of the BDDS, shall determine whether an applicant meets the requirements under this article.

(b) Upon review of the findings of the BDDS, the council shall either:

- (1) approve the applicant for a period not to exceed three (3) years; or**
- (2) deny approval to an applicant that does not meet the approval requirements of this article.**

(c) The council shall notify an applicant, in writing, of the council's determination within sixty (60) days of submission of a completed application.

(d) If an applicant is adversely affected or aggrieved by the council's determination, the applicant may request administrative review of the determination. Such request shall be made in writing and filed with the council within fifteen (15) days after the applicant receives written notice of the council's determination. Administrative review shall be conducted pursuant to IC 4-21.5. (*Community Residential Facilities Council; 431 IAC 7-6-3*)

431 IAC 7-6-4 Additional approvals; bureau of developmental disabilities services

Authority: IC 12-28-5-19

Affected: IC 12-11-1.1-1; IC 12-28-5-11

Sec. 4. Before beginning to provide supported living services or supports under this article, a provider shall also be approved by the BDDS pursuant to IC 12-11-1.1-1(e). (*Community Residential Facilities Council; 431 IAC 7-6-4*)

431 IAC 7-6-5 Renewal of approval

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-14; IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 5. (a) A provider of supported living services or supports shall file a written request for renewal of the council's approval at least ninety (90) days prior to expiration of the council's previous approval. The written request shall include an assessment of provider performance developed by the council.

(b) Upon receiving a request for renewal of approved status, the council shall determine whether a provider continues to meet the requirements of this article.

(c) The BDDS shall provide to the council:

- (1) a recommendation concerning the renewal of the council's approval; and**
- (2) any other information requested by the council.**

(d) The council's determination on renewal of approval shall be based on verification that:

- (1) the provider continues to meet the requirements of this article;**
- (2) the provider's operations have been surveyed either:
 - (A) within the preceding twelve (12) months; or**
 - (B) as part of the renewal process; and****
- (3) there are no outstanding issues that endanger the health or safety of an individual receiving services from the provider.**

(e) In considering a request for the renewal of approval, the council shall either:

- (1) approve the applicant for a period not to exceed three (3) years;**
- (2) issue provisional approval to an applicant that does not qualify for approval under this article but that provides satisfactory evidence that the applicant will qualify within a period prescribed by the council, with the period not to exceed six (6) months; or**
- (3) deny approval to an applicant that does not meet the approval requirements of this article.**

(f) The council shall notify a provider in writing of the council's determination at least thirty (30) days prior to the expiration of the provider's approval under this section, provided that:

- (1) the provider has complied with subsection (a); and**

(2) the council has received the information required in subsection (c).

(g) If a provider has complied with subsection (a) and if the council does not act upon the provider's request for renewal of approved status before the expiration of the provider's approved status, the provider's approved status shall continue until such time as the council acts upon the provider's request for renewal of approved status.

(h) If a provider is adversely affected or aggrieved by the council's determination, the provider may request administrative review of the determination. The request shall be made in writing and filed with the council within fifteen (15) days after the provider receives written notice of the determination. Administrative review shall be conducted pursuant to IC 4-21.5. (*Community Residential Facilities Council; 431 IAC 7-6-5*)

431 IAC 7-6-6 Application to provide additional services

Authority: IC 12-28-5-11; IC 12-28-5-12; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 6. (a) A provider seeking approval to provide an additional supported living service or support shall comply with section 2 of this rule.

(b) A provider seeking approval to provide an additional supported living service or support shall submit to the council an assessment of provider performance developed by the council.

(c) The BDDS shall provide to the council:

(1) a recommendation concerning the council's approval of the provider to provide additional services; and

(2) any other information requested by the council.

(d) Approval to provide additional supported living services or supports shall be granted by the council only if:

(1) the provider meets the requirements under this article;

(2) the provider's operations have been surveyed either:

(A) within the preceding twelve (12) months; or

(B) as part of the approval process to provide additional services; and

(3) there are no outstanding issues that endanger the health or safety of an individual.

(*Community Residential Facilities Council; 431 IAC 7-6-6*)

Rule 7. Revocation of Approval; Administrative Review

431 IAC 7-7-1 Applicability

Authority: IC 12-28-5-19

Affected: IC 12-28-5

Sec. 1. This rule applies to all supported living services and supports. (*Community Residential Facilities Council; 431 IAC 7-7-1*)

431 IAC 7-7-2 Revocation of approval

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 4-21.5-3; IC 12-28-5

Sec. 2. The council shall revoke the approval of a provider under this rule that no longer meets the qualifications established under 431 IAC 7-5 after following the procedures prescribed by IC 4-21.5-3. (*Community Residential Facilities Council; 431 IAC 7-7-2*)

431 IAC 7-7-3 Notice of intent to revoke approval

Authority: IC 12-28-5-13; IC 12-28-5-19

Affected: IC 12-28-5

Sec. 3. (a) The council shall give written notice of the council's intent to revoke the approval of a provider to:

- (1) the provider;**
- (2) the individual or individuals receiving services from the provider;**
- (3) the legal representative, if applicable, of any individual receiving services from the provider;**
- (4) the case manager of each individual receiving services from the provider; and**
- (5) the director of BDDS.**

(b) The written notice under subsection (a) shall include the following:

- (1) The requirements of this article which the provider does not meet.**
- (2) The effective date, with at least thirty (30) days' notice, of the council's revocation of the provider's approval.**
- (3) The need for planning to obtain alternative services for an individual or individuals.**
- (4) The provider's right to seek administrative review of the council's action.**

(Community Residential Facilities Council; 431 IAC 7-7-3)

431 IAC 7-7-4 Administrative review

Authority: IC 12-28-5-19

Affected: IC 4-21.5; IC 12-28-5

Sec. 4. (a) To qualify for administrative review of an action or determination of the council under this rule, a provider shall file a written petition for review that does the following:

- (1) States facts demonstrating that the provider is:**
 - (A) a provider to whom the action is specifically directed;**
 - (B) aggrieved or adversely affected by the action; or**
 - (C) entitled to review under any law.**
- (2) Is filed with the council within fifteen (15) days after the provider receives notice of the council's action or determination.**

(b) Administrative review shall be conducted in accordance with IC 4-21.5. (Community Residential Facilities Council; 431 IAC 7-7-4)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on March 24, 2003 at 1:30 p.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451, Conference Room A, Indianapolis, Indiana the Community Residential Facilities Council will hold a public hearing on proposed new rules concerning the standards for the approval of entities providing supported living services to eligible individuals with a developmental disability. If an accommodation is required to allow an individual with a disability to participate in a public hearing, please contact Jean Oswald at (317) 232-1161 at least 48 hours before the hearing. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Steven C. Cook
Director
Division of Disability, Aging, and Rehabilitative Services