

**TITLE 460 DIVISION OF DISABILITY, AGING, AND
REHABILITATIVE SERVICES**

Proposed Rule
LSA Document #04-75

DIGEST

Adds 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the Residential Care Assistance Program out of the available program appropriation. Effective 30 days after filing with the secretary of state.

460 IAC 1-3.4

SECTION 1. 460 IAC 1-3.4 IS ADDED TO READ AS FOLLOWS:

Rule 3.4. Processing of Applications

460 IAC 1-3.4-1 Eligibility

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 1. A county office shall determine an applicant's eligibility for residential care assistance in accordance with 460 IAC 1-3.6. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-1*)

460 IAC 1-3.4-2 Assistance contingent on availability of funding; date of assistance

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 2. Whether or not residential care assistance funds are awarded to an applicant is contingent upon the availability of funding to the division. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-2*)

460 IAC 1-3.4-3 Beginning date of assistance with available funding

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 3. If there are sufficient funds available to support the costs of residential care assistance for individuals not already receiving residential care assistance, the date residential care assistance shall begin for eligible applicants shall be the earlier of the following:

- (1) The date when an applicant submitted an application for residential care assistance that resulted in a finding of eligibility.**
- (2) The date the applicant for residential care assistance qualified for residential care assistance under 460 IAC 1-3.6 and was admitted to a residential care facility.**

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-3*)

460 IAC 1-3.4-4 Finding of insufficient funds; procedures

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 4. (a) If the division director, or the director's designee, makes a written determination that sufficient funds are not appropriated or otherwise available to support the costs of residential care assistance for those not already receiving residential care assistance, the division shall follow the following procedures:

(1) The director shall cause the posting of a written notice in a conspicuous place in each county office when a determination has been made as described in this section. The written notice shall state the following:

(A) That, as of a date certain, the division has determined that there are not sufficient funds available to support the costs of residential care assistance for individuals not already receiving residential care assistance.

(B) Any other information the division may deem necessary.

(2) The director shall cause the posting of the notice set forth in subdivision (1) at least five (5) working days before the date on which funding will not be available to support the costs of residential care assistance for individuals not already receiving residential care assistance.

(b) Individuals with completed applications in the possession of a county office before the date on which residential care assistance will not be available to support the costs of residential care assistance for individuals not already receiving residential care assistance shall receive residential care assistance if the individual is determined to be eligible for residential care assistance.

(c) If the director, or the director's designee, makes a written determination that sufficient funds are not available to support the costs of residential care assistance for individuals not already receiving residential care assistance, the county office shall inform the applicant that a finding of eligibility for residential care assistance does not mean that funds will be available to the individual and that the individual will be placed upon a waiting list for assistance. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-4)*

460 IAC 1-3.4-5 Funding subsequently available; procedures

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 5. (a) If the director, or the director's designee, subsequently makes a written determination that sufficient funds are appropriated or otherwise available to support the costs of additional residential care assistance, the division shall award residential care assistance funding to individuals in order according to the earliest dates of eligibility as determined under section 3 of this rule to the extent that funds will support the costs of additional residential care assistance.

(b) If sufficient funds are available to support the costs of residential care assistance for all individuals who have been determined eligible for residential care assistance but are not receiving residential care assistance, the division shall award residential care assistance to all individuals who have been determined eligible for residential care assistance and shall continue awarding funding under section 3 of this rule.

(c) Notice shall be given to the applicant and, if applicable, to the facility. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-5)*

460 IAC 1-3.4-6 Record keeping

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

Sec. 6. The county office shall keep copies of the written notifications to prospective applicants and shall make a written record of any other efforts made to notify individuals who have been determined eligible for residential care assistance but are not receiving funds. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-6)*

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 22, 2004 at 10:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule at 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the Residential Care Assistance Program out of the available program appropriation. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. 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.

Rachel McGeever
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Division of Disability, Aging, and Rehabilitative Services