

# HOUSE BILL No. 1222

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-7-2; IC 12-9-1-3; IC 12-9-5-3; IC 12-11-1.1-1; IC 12-12.5; IC 12-13-6-1; IC 12-17.2-5.

**Synopsis:** Various FSSA matters. Allows the family and social services administration to deny or revoke child care home licensing based on a household member having one of certain specified criminal convictions. Removes the school year only requirements for class I child care homes. Reassigns the responsibilities from the bureau of quality improvement services to the bureau of developmental disabilities services. Eliminates the bureau of quality improvement services and removes the remaining empty article from the Indiana Code. Renames the bureau of child care as the office of early childhood and out of school learning. Makes conforming amendments.

**Effective:** July 1, 2022.

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## Ziemke

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January 6, 2022, read first time and referred to Committee on Family, Children and Human Affairs.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# HOUSE BILL No. 1222

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-7-2-24, AS AMENDED BY P.L.1-2007,  
2 SECTION 104, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2022]: Sec. 24. "Bureau" means the following:  
4 (1) For purposes of IC 12-10, the bureau of aging and in-home  
5 services established by IC 12-10-1-1.  
6 (2) For purposes of IC 12-11, the bureau of developmental  
7 disabilities services established by IC 12-11-1.1-1.  
8 (3) For purposes of IC 12-12, the rehabilitation services bureau of  
9 the division of disability and rehabilitative services established by  
10 IC 12-12-1-1.  
11 ~~(4) For purposes of IC 12-12.5, the bureau of quality~~  
12 ~~improvement services established by IC 12-12.5-1-1.~~  
13 SECTION 2. IC 12-7-2-33.7, AS AMENDED BY P.L.197-2011,  
14 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2022]: Sec. 33.7. (a) As used in this chapter, "class I child  
16 care home" means a child care home that serves any combination of  
17 full-time and part-time children, not to exceed at any one (1) time



1 twelve (12) children plus three (3) children during the school year only  
 2 who are enrolled in at least full-day kindergarten. Except as provided  
 3 in ~~IC 12-17.2-5-6.3(b)~~, the addition of three (3) school age children  
 4 may not occur during a break in the school year that exceeds four (4)  
 5 weeks.

6 (b) A child:

7 (1) for whom a provider of care in the child care home is a parent,  
 8 stepparent, guardian, custodian, or other relative and who is at  
 9 least seven (7) years of age; or

10 (2) who is at least fourteen (14) years of age and does not require  
 11 child care;

12 shall not be counted in determining whether the child care home is  
 13 within the limit set forth in subsection (a).

14 SECTION 3. IC 12-7-2-69, AS AMENDED BY P.L.85-2017,  
 15 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2022]: Sec. 69. (a) "Division", except as provided in  
 17 subsections (b) and (c), refers to any of the following:

18 (1) The division of disability and rehabilitative services  
 19 established by IC 12-9-1-1.

20 (2) The division of aging established by IC 12-9.1-1-1.

21 (3) The division of family resources established by IC 12-13-1-1.

22 (4) The division of mental health and addiction established by  
 23 IC 12-21-1-1.

24 (b) The term refers to the following:

25 (1) For purposes of the following statutes, the division of  
 26 disability and rehabilitative services established by IC 12-9-1-1:

27 (A) IC 12-9.

28 (B) IC 12-11.

29 (C) IC 12-12.

30 ~~(D) IC 12-12.5.~~

31 ~~(E) (D)~~ (D) IC 12-12.7.

32 ~~(F) (E)~~ (E) IC 12-28-5.

33 (2) For purposes of the following statutes, the division of aging  
 34 established by IC 12-9.1-1-1:

35 (A) IC 12-9.1.

36 (B) IC 12-10.

37 (C) IC 12-10.5.

38 (3) For purposes of the following statutes, the division of family  
 39 resources established by IC 12-13-1-1:

40 (A) IC 12-13.

41 (B) IC 12-14.

42 (C) IC 12-15.



- 1 (D) IC 12-16.  
 2 (E) IC 12-17.2.  
 3 (F) IC 12-18.  
 4 (G) IC 12-19.  
 5 (H) IC 12-20.  
 6 (4) For purposes of the following statutes, the division of mental  
 7 health and addiction established by IC 12-21-1-1:  
 8 (A) IC 12-21.  
 9 (B) IC 12-22.  
 10 (C) IC 12-23.  
 11 (D) IC 12-25.  
 12 (c) With respect to a particular state institution, the term refers to  
 13 the division whose director has administrative control of and  
 14 responsibility for the state institution.  
 15 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term  
 16 refers to the division whose director has administrative control of and  
 17 responsibility for the appropriate state institution.  
 18 SECTION 4. IC 12-9-1-3, AS AMENDED BY P.L.210-2015,  
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2022]: Sec. 3. The division consists of the following bureaus:  
 21 (1) The rehabilitation services bureau established by  
 22 IC 12-12-1-1.  
 23 (2) The bureau of developmental disabilities services established  
 24 by IC 12-11-1.1-1.  
 25 ~~(3) The bureau of quality improvement services established by~~  
 26 ~~IC 12-12.5-1-1.~~  
 27 ~~(4)~~ **(3)** The bureau of child development services established by  
 28 IC 12-12.7-1-1.  
 29 SECTION 5. IC 12-9-5-3, AS AMENDED BY P.L.1-2007,  
 30 SECTION 116, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2022]: Sec. 3. The division shall administer the  
 32 following programs:  
 33 (1) Programs established under any of the following statutes:  
 34 (A) This article.  
 35 (B) IC 12-11.  
 36 (C) IC 12-12.  
 37 ~~(D) IC 12-12.5.~~  
 38 ~~(E)~~ **(D)** IC 12-12.7.  
 39 (2) Programs under the following statutes, to the extent the  
 40 division has responsibilities for programs under those statutes:  
 41 (A) IC 12-24.  
 42 (B) IC 12-26.



- 1 (C) IC 12-27.  
 2 (D) IC 12-28.  
 3 (E) IC 12-29.  
 4 (3) Supported employment for a person with developmental  
 5 disabilities.  
 6 (4) Epilepsy service centers program.  
 7 (5) Epilepsy clinic program.  
 8 (6) Medicaid waivers for in-home services for treatment of  
 9 developmental disabilities.
- 10 SECTION 6. IC 12-11-1.1-1, AS AMENDED BY P.L.210-2015,  
 11 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2022]: Sec. 1. (a) The bureau of developmental disabilities  
 13 services is established within the division.
- 14 (b) The bureau shall plan, coordinate, and administer the provision  
 15 of individualized, integrated community based services for individuals  
 16 with a developmental disability and their families, within the limits of  
 17 available resources. The planning and delivery of services must be  
 18 based on future plans of the individual with a developmental disability  
 19 rather than on traditional determinations of eligibility for discrete  
 20 services, with an emphasis on the preferences of the individual with a  
 21 developmental disability and that individual's family.
- 22 (c) Services for individuals with a developmental disability must be  
 23 services that meet the following conditions:  
 24 (1) Are provided under public supervision.  
 25 (2) Are designed to meet the developmental needs of individuals  
 26 with a developmental disability.  
 27 (3) Meet all required state and federal standards.  
 28 (4) Are provided by qualified personnel.  
 29 (5) To the extent appropriate, are provided in home and  
 30 community based settings in which individuals without  
 31 disabilities participate.  
 32 (6) Are provided in conformity with a service plan developed  
 33 under IC 12-11-2.1-2.
- 34 (d) The bureau shall approve entities to provide community based  
 35 services and supports as follows:  
 36 (1) Beginning July 1, 2011, the bureau shall ensure that an entity  
 37 approved to provide day services, identified day habilitation,  
 38 including facility based or community based habilitation,  
 39 prevocational services, or employment services under home and  
 40 community based services waivers is accredited by an approved  
 41 national accrediting body described in subsection (j).  
 42 (2) Beginning July 1, 2012, the bureau shall ensure that an entity



1 approved to provide residential habilitation and support services  
 2 under home and community based services waivers is accredited  
 3 by an approved national accrediting body. However, if an entity  
 4 is accredited to provide home and community based services  
 5 under subdivision (1) other than residential habilitation and  
 6 support services, the bureau may extend the time that the entity  
 7 has to comply with this subdivision until the earlier of the  
 8 following:

9 (A) The completion of the entity's next scheduled accreditation  
 10 survey.

11 (B) July 1, 2015.

12 (e) Subject to subsection (k), the bureau shall initially approve,  
 13 reapprove, and monitor community based residential, habilitation, and  
 14 employment service providers that provide alternatives to placement of  
 15 individuals with a developmental disability in state institutions and  
 16 health facilities licensed under IC 16-28 for individuals with a  
 17 developmental disability. The services must simulate, to the extent  
 18 feasible, patterns and conditions of everyday life that are as close as  
 19 possible to the conditions in which individuals without disabilities  
 20 participate. The community based service categories include the  
 21 following:

22 (1) Supervised group living programs, which serve at least four  
 23 (4) individuals and not more than eight (8) individuals, are funded  
 24 by Medicaid, and are licensed by the division.

25 (2) Supported living service arrangements to meet the unique  
 26 needs of individuals in integrated settings. Supported living  
 27 service arrangements providing residential services may not serve  
 28 more than four (4) unrelated individuals in any one (1) setting.

29 However, a program that:

30 (A) is in existence on January 1, 2013, as a supervised group  
 31 living program described in subdivision (1); and

32 (B) has more than four (4) individuals residing as part of the  
 33 program;

34 may convert to a supported living service arrangement under this  
 35 subdivision and continue to provide services to up to the same  
 36 number of individuals in the supported living setting.

37 (f) To the extent that services described in subsection (e) are  
 38 available and meet the individual's needs, an individual is entitled to  
 39 receive services in the least restrictive environment possible.

40 (g) Community based services under subsection (e)(1) or (e)(2)  
 41 must consider the needs of and provide choices and options for:

42 (1) individuals with a developmental disability; and



- 1 (2) families of individuals with a developmental disability.  
 2 (h) The bureau shall administer a system of service coordination to  
 3 carry out this chapter.  
 4 (i) The bureau may issue orders under IC 4-21.5-3-6 against a  
 5 provider that violates rules issued by the bureau for programs in which  
 6 the provider is providing services in accordance with section 11 of this  
 7 chapter.  
 8 (j) For purposes of subsections (d) and (k), "approved national  
 9 accrediting body" means any of the following:  
 10 (1) The Commission on Accreditation of Rehabilitation Facilities  
 11 (CARF), or its successor.  
 12 (2) The Council on Quality and Leadership In Supports for People  
 13 with Disabilities, or its successor.  
 14 (3) The Joint Commission on Accreditation of Healthcare  
 15 Organizations (JCAHO), or its successor.  
 16 (4) The ISO-9001 human services QA system.  
 17 (5) The Council on Accreditation, or its successor.  
 18 (6) An independent national accreditation organization approved  
 19 by the secretary.  
 20 (k) An entity that is accredited by an approved national accrediting  
 21 body is not subject to reapproval surveys or routine monitoring surveys  
 22 by the division ~~or bureau, or bureau of quality improvement services,~~  
 23 including any reapproval survey under a home and community based  
 24 services waiver. However, the bureau may perform validation surveys  
 25 and complaint investigations of an entity accredited by an approved  
 26 national accrediting body.  
 27 **(l) The bureau shall monitor services provided by the following:**  
 28 **(1) An entity that provides services to an individual with funds**  
 29 **provided by the bureau or under the authority of the bureau.**  
 30 **(2) An entity that has entered into a provider agreement**  
 31 **under IC 12-15-11 to provide Medicaid in-home waiver**  
 32 **services.**  
 33 **(m) The bureau shall establish and administer a complaint**  
 34 **process for the following:**  
 35 **(1) An individual who receives services from an entity with**  
 36 **funds provided through the bureau or under the authority of**  
 37 **the bureau.**  
 38 **(2) An entity that has entered into a provider agreement**  
 39 **under IC 12-15-11 to provide Medicaid in-home waiver**  
 40 **services.**  
 41 SECTION 7. IC 12-12.5 IS REPEALED [EFFECTIVE JULY 1,  
 42 2022]. (QUALITY IMPROVEMENT SERVICES).



1 SECTION 8. IC 12-13-6-1, AS AMENDED BY P.L.210-2015,  
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2022]: Sec. 1. The following bureaus are established within  
 4 the division:

5 (1) ~~A bureau of child care.~~ **An office of early childhood and out**  
 6 **of school learning.**

7 (2) A bureau of economic independence.

8 SECTION 9. IC 12-17.2-5-4, AS AMENDED BY P.L.156-2020,  
 9 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2022]: Sec. 4. (a) The following constitute sufficient grounds  
 11 for a denial of a license application:

12 (1) A determination by the department of child services  
 13 established by IC 31-25-1-1 of child abuse or neglect (as defined  
 14 in IC 31-9-2-14) by:

15 (A) the applicant;

16 (B) a member of the applicant's household;

17 (C) an employee of the applicant who may be present on the  
 18 premises of the child care home during operating hours of the  
 19 child care home; or

20 (D) a volunteer of the applicant who may be present on the  
 21 premises of the child care home during operating hours of the  
 22 child care home.

23 (2) A criminal conviction of the applicant, or an employee or  
 24 volunteer of the applicant who may be present on the premises of  
 25 the child care home during operating hours of the child care  
 26 home, **or a member of the applicant's household**, of any of the  
 27 following:

28 (A) A felony:

29 (i) related to the health or safety of a child;

30 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);

31 (iii) that is a dangerous felony; or

32 (iv) that is not a felony otherwise described in items (i)  
 33 through (iii), and less than ten (10) years have elapsed from  
 34 the date the person was discharged from probation,  
 35 imprisonment, or parole, whichever discharge date is latest.

36 (B) A misdemeanor related to the health or safety of a child.

37 (C) A misdemeanor for operating a child care center without  
 38 a license under IC 12-17.2-4-35, or a substantially similar  
 39 offense committed in another jurisdiction if the offense is  
 40 directly or indirectly related to jeopardizing the health or  
 41 safety of a child.

42 (D) A misdemeanor for operating a child care home without a





- 1 license under section 35 of this chapter, or a substantially  
 2 similar offense committed in another jurisdiction if the offense  
 3 is directly or indirectly related to jeopardizing the health or  
 4 safety of a child.
- 5 (3) A determination by the division that the applicant made false  
 6 statements in the applicant's application for licensure.
- 7 (4) A determination by the division that the applicant made false  
 8 statements in the records required by the division.
- 9 (5) A determination by the division that the applicant previously  
 10 operated a:
- 11 (A) child care center without a license under IC 12-17.2-4; or  
 12 (B) child care home without a license under this chapter.
- 13 (b) Notwithstanding subsection (a)(2), if:
- 14 (1) a license application is denied due to a criminal conviction of:
- 15 (A) an employee or a volunteer of the applicant; or  
 16 (B) a member of the applicant's household; and
- 17 (2) the division determines that the:
- 18 (A) employee or volunteer has been dismissed by the  
 19 applicant; or  
 20 (B) member of the applicant's household is no longer a  
 21 member of the applicant's household;
- 22 the criminal conviction of the former employee, former volunteer, or  
 23 former member does not require denial of a license application.
- 24 SECTION 10. IC 12-17.2-5-6.3, AS AMENDED BY P.L.162-2005,  
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2022]: Sec. 6.3. (a) To qualify for a license to operate a class  
 27 I child care home under this chapter, a person must do the following:
- 28 (1) Provide documentation to the division that the licensee has  
 29 received a high school diploma or a high school equivalency  
 30 certificate as described in IC 12-14-5-2.
- 31 (2) Provide documentation to the division that the licensee:
- 32 (A) has completed;  
 33 (B) is enrolled in; or  
 34 (C) agrees to complete within the next three (3) years;  
 35 a child development associate credential program or a similar  
 36 program approved by the division.
- 37 (3) Complete the training course taught or approved by the  
 38 division concerning safe sleeping practices for a child within the  
 39 person's care as described in IC 12-17.2-2-1(10).
- 40 The division may grant a waiver or variance of the requirement under  
 41 subdivision (2).
- 42 (b) A class I child care home may serve a **three (3)** school age ~~child~~



1 during a break in the school year that exceeds four (4) weeks **children**  
 2 **under IC 12-7-2-33.7** if the **child care home meets the** following  
 3 conditions: are met:

4 (1) The school age child:

5 (A) was in the home part time during the four (4) months  
 6 preceding the break; or

7 (B) has a sibling attending the child care home.

8 (2) The child care home meets the following requirements:

9 (A) (1) Provides at least thirty-five (35) square feet for each child.

10 (B) (2) Maintains the child to staff ratio required under rules  
 11 adopted by the division for each age group of children in  
 12 attendance.

13 (C) Provides age appropriate toys, games, equipment, and  
 14 activities for each age group of children enrolled.

15 (D) If the licensee does not reside in the child care home, the  
 16 child care home has:

17 (i) at least two (2) exits that comply with the exit  
 18 requirements for an E-3 building occupancy classification  
 19 under the Indiana building code adopted by the fire  
 20 prevention and building safety commission; and

21 (ii) (3) Has an illuminated exit sign over each required exit or  
 22 emergency lighting for each required exit.

23 (3) The licensee for the child care home has maintained a class I  
 24 child care home license for at least twelve (12) children:

25 (A) for at least one (1) year; and

26 (B) without any citations for noncompliance.

27 SECTION 11. IC 12-17.2-5-6.5, AS AMENDED BY P.L.145-2006,  
 28 SECTION 101, IS AMENDED TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2022]: Sec. 6.5. (a) To qualify for a license to  
 30 operate a class II child care home under this chapter, a person must do  
 31 the following:

32 (1) Provide all child care services on the first story of the child  
 33 care home unless the class II child care home meets the  
 34 exceptions to the first story requirements contained in the Indiana  
 35 building code adopted by the fire prevention and building safety  
 36 commission in effect at the time the class II child care home  
 37 provider applies for licensure.

38 (2) Provide a smoke detection system that is:

39 (A) hard wired to the building's electrical system; and

40 (B) wired in a manner that activates all of the detector devices  
 41 in the building when one (1) detector device is activated.

42 (3) Provide a fire extinguisher in each room that is used to



- 1 provide child care services.
- 2 (4) Meet:
- 3 (A) the exit requirements for an E-3 building occupancy
- 4 classification under the Indiana building code adopted by the
- 5 fire prevention and building safety commission, except for any
- 6 illumination requirements, in effect at the time the class II
- 7 child care home provider initially applies for licensure; and
- 8 (B) the illumination requirements established in section
- 9 ~~6.3(b)(2)(D)~~ **6.3(b)(3)** of this chapter.
- 10 (5) Provide a minimum of thirty-five (35) square feet for each
- 11 child.
- 12 (6) Conduct fire drills required under article 37 of the Indiana fire
- 13 prevention code adopted by the fire prevention and building
- 14 safety commission in effect at the time the class II child care
- 15 home provider applies for licensure.
- 16 (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- 17 (8) Comply with rules adopted by the division of family resources
- 18 for class II child care homes.
- 19 (9) Complete the training course taught or approved by the
- 20 division concerning safe sleeping practices for a child within the
- 21 person's care as described in IC 12-17.2-2-1(10).
- 22 (b) To qualify for a license to operate a class II child care home
- 23 under this chapter, a person, before applying for the license, must have:
- 24 (1) a class I child care home license; or
- 25 (2) at least one (1) year of experience as a caregiver in a child
- 26 care home or child care center.
- 27 SECTION 12. IC 12-17.2-5-32, AS AMENDED BY P.L.121-2020,
- 28 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2022]: Sec. 32. (a) The following constitute sufficient grounds
- 30 for revocation of a license:
- 31 (1) A determination by the department of child services of child
- 32 abuse or neglect (as defined in IC 31-9-2-14) by:
- 33 (A) the licensee;
- 34 (B) a member of the licensee's household;
- 35 (C) an employee of the licensee who may be present on the
- 36 premises of the child care home during operating hours of the
- 37 child care home; or
- 38 (D) a volunteer of the licensee who may be present on the
- 39 premises of the child care home during operating hours of the
- 40 child care home.
- 41 (2) A criminal conviction of the licensee, ~~or~~ an employee or
- 42 volunteer of the licensee who may be present on the premises of



1 the child care home during operating hours of the child care  
 2 home, **or a member of the licensee's household** of any of the  
 3 following:

4 (A) A felony:

- 5 (i) related to the health or safety of a child;
- 6 (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
- 7 (iii) that is a dangerous felony; or
- 8 (iv) that is not a felony otherwise described in items (i)  
 9 through (iii), and less than ten (10) years have elapsed from  
 10 the date the person was discharged from probation,  
 11 imprisonment, or parole, whichever discharge date is latest.

12 (B) A misdemeanor related to the health or safety of a child.

13 (C) A misdemeanor for operating a child care center without  
 14 a license under IC 12-17.2-4-35, or a substantially similar  
 15 offense committed in another jurisdiction if the offense is  
 16 directly or indirectly related to jeopardizing the health or  
 17 safety of a child.

18 (D) A misdemeanor for operating a child care home without a  
 19 license under section 35 of this chapter, or a substantially  
 20 similar offense committed in another jurisdiction if the offense  
 21 is directly or indirectly related to jeopardizing the health or  
 22 safety of a child.

23 (3) A determination by the division that the licensee made false  
 24 statements in the licensee's application for licensure.

25 (4) A determination by the division that the licensee made false  
 26 statements in the records required by the division.

27 (5) A determination by the division that the licensee previously  
 28 operated a:

29 (A) child care center without a license under IC 12-17.2-4; or

30 (B) child care home without a license under this chapter.

31 (b) Notwithstanding subsection (a)(2), if:

32 (1) a license is revoked due to a criminal conviction of:

33 (A) an employee or a volunteer of the licensee's; or

34 (B) a resident of the licensee's household; and

35 (2) the division determines that the:

36 (A) employee or volunteer has been dismissed by the licensee;

37 or

38 (B) member of the licensee's household is no longer a member  
 39 of the licensee's household;

40 the criminal conviction of the former employee, former volunteer, or  
 41 former member does not require revocation of a license.

