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State of Indiana

Division of Disability and Rehabilitative Services
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THE DIVISION OF DISABILITY AND REHABILITATIVE SERVICES ADVISORY COUNCIL BY-LAWS

Indiana Family and Social Services Administration
Division of Disability and Rehabilitative Services
402 W. Washington Street W453, Indianapolis, Indiana 46204

Updated August 5, 2024

I. Name and Authority

- A. This Council, established under the authority of Indiana Code Section 12-9-4, as amended, shall be known as the Division of Disability and Rehabilitative Services (DDRS) Advisory Council (hereinafter referred to as the "DDRS Advisory Council" or "Council").

II. Establishment

- A. The DDRS Advisory Council was established to advise and assist DDRS in its effort to develop and sustain a system of supports and services for individuals with intellectual and developmental disabilities.
IC Section 12-9-4-2

III. Purpose

- A. The Council will provide technical expertise and lived experiences and advise on specific areas such as:
 - 1. technology;
 - 2. health;
 - 3. policy;
 - 4. law;
 - 5. marketing;
 - 6. public relations;
 - 7. provider services; and
 - 8. advocacy.IC Section 12-9-4-2

IV. Membership

- A. **Composition of the Council**

1. The Council shall be composed of members who provide statewide and culturally diverse representation.
 2. The Council shall be composed of members who represent a broad range of individuals with intellectual and developmental disabilities.
 3. The Council will consist of the following sixteen (16) members:
 - a. The DDRS Director.
 - b. An individual representing The Arc of Indiana, appointed by The Arc of Indiana.
 - c. An individual representing the Indiana Association of Rehabilitation Facilities (INARF), appointed by INARF.
 - d. An individual representing the Self-Advocates of Indiana, appointed by the Self-Advocates of Indiana.
 - e. A representative of the governor's council for people with disabilities, established by IC Section 4-23-29-7, appointed by the DDRS Director.
 - f. A representative of a case management provider contracting with the bureau of disabilities services, established by IC Section 12-11-1.1-1, to provide family supports Medicaid waiver and community integration habilitation Medicaid waiver case management services, appointed by the DDRS Director.
 - g. An individual representing the Indiana Association of Behavior Consultants, appointed by the Indiana Association of Behavior Consultants.
 - h. An individual representing the Indiana Institute on Disability and Community, appointed by the Indiana Institute on Disability and Community.
 - i. An individual representing the Indiana Resource Center for Families with Special Needs (INSOURCE), appointed by INSOURCE.
 - j. An individual representing Indiana Disability Rights, appointed by Indiana Disability Rights.
 - k. An individual representing Indiana Family to Family, appointed by Indiana Family to Family.
 - l. Two (2) members, appointed by the DDRS Director, each of whom is an individual with an intellectual or other developmental disability.
 - m. Two (2) members, appointed by the DDRS Director, each of whom is an immediate or extended family member of an individual with an intellectual or other developmental disability.
 - n. One (1) member, appointed by the DDRS Director, who is employed by an agency that provides services to people with intellectual or other developmental disabilities.
- IC Section 12-9-4-3

B. Presiding Officer

1. The Director of DDRS serves as the presiding officer of the Council.
IC Section 12-9-4-5

C. Appointment

1. Entities noted in IC Section 12-9-4-3 who appoint their own members will notify the DDRS Director of any change in the appointment at least one (1) month prior to the next council meeting.
2. Members appointed by the DDRS Director will serve a two-year term.
3. Each member of the Council serves at the will of the appointing authority.
IC Section 12-9-4-4

D. Participation

1. Council members are expected to attend all regular and special meetings of the Council.
2. Each member of the Council must not miss more than two (2) of the regularly scheduled meetings each calendar year, either electronically or in-person, unless the council member's absence of more than two (2) is approved by the DDRS Director.
3. Council members may request to participate electronically in accordance with IC Section 5-14-1.5-3.6. Electronic participation is limited to a video conferencing platform. Such requests must be in writing and must be directed to the DDRS Director or his/her designee one (1) week prior to the meeting. The request will be handled pursuant to IC Section 5-14-1.5-3.6.
4. Council members must notify the DDRS Director or his/her designee of any meeting absence as soon as possible.
5. If an entity named in IC Section 12-9-4-3 who points their representative is having another representative temporarily fill in during a council meeting for their entity appointment, this entity must notify the DDRS Director or his/her designee within one (1) week of the council meeting.
6. If a council member who is appointed by the DDRS Director would like to request another representative fill in during a meeting, this request will be submitted to the DDRS Director or his/her designee within one (1) week of the council meeting for consideration.

E. Responsibilities of Council Members

1. Each council member has the following responsibilities:
 - a. To attend regular and special meetings of the Council.
 - b. To participate actively in Council meetings.
 - c. To proactively advise and assist DDRS in its effort to develop and sustain a system of supports and services for individuals with intellectual and developmental disabilities.
 - d. To participate in other council activities, as needed and as requested.
 - e. Make a conscious effort to understand the programs and services provided by the Division of Disability and Rehabilitative Services.
 - f. Be willing to facilitate public education and outreach efforts of DDRS.
 - g. Be aware that as an appointed DDRS council member, he/she is representing DDRS not only during Council meetings but in all public and private interactions related to supports and services for individuals with intellectual and developmental disabilities.
 - h. Be cognizant of any matter discussed that could be a conflict of interest for him/her and promptly notify the DDRS Director.
2. Council members have no specific authority unless granted such authority by the Council at a regular or special meeting.
3. Failure of a member to comply with these responsibilities may result in a Council request for the member's resignation or a recommendation to the appointing authority to terminate the appointment.

F. Length of Terms

1. The term of council members begin:
 - a. The day the member is appointed by the entity named in IC Section 12-4-9-3, or
 - b. The day the member is appointed by the DDRS Director according to IC Section 12-4-9-3.
2. The term of a council member expires:
 - a. When the appointing entity named in IC Section 12-4-9-3 notifies the DDRS Director of the person's expiration, or
 - b. Two years from when the council member was appointed by the Director according to IC Section 12-4-9-3.
3. The Director of DDRS serves as a member until this individual no longer holds the office.

G. Termination of Membership

1. **Voluntary Termination**

a. Any council member may terminate his or her council membership prior to the expiration of the member's term. The appointed council member or the representative appointed by the entity named in IC Section 12-9-4-3 must submit written notice of resignation to the DDRS Director within one (1) month of their voluntary termination.

2. **Termination Relating to Attendance**

a. Any member who fails to attend two (2) consecutive council meetings shall advise the presiding officer of the reasons for the absence and whether he or she plans to continue participation on the Council.

b. If any member fails to attend two (2) of the council meetings throughout the year and this has not been previously approved by the DDRS Director, the presiding officer shall discuss, or make reasonable efforts to discuss, this issue with the member to determine if there is sufficient reason to believe that the member is not able carry out the responsibilities of the membership through the remainder of the member's term.

c. If the presiding officer determines that the member cannot carry out the responsibilities of membership through the member's term, he or she shall notify the council member of the failure of the member to meet the responsibilities of membership and his/her termination from the Council.

3. **Termination Relating to Other Member Responsibilities**

a. A council member may be terminated by the presiding officer from the Council for failure to comply with other member responsibilities under these by-laws.

b. The presiding officer shall discuss, or make reasonable efforts to discuss, this issue with the member to determine if there is sufficient reason to believe that the member is able carry out the responsibilities of the membership through the remainder of the member's term.

c. If the presiding officer determines that this is not the case, he or she shall notify the council member of the failure of the member to meet the responsibilities of membership and his/her termination from the Council.

4. **Notice**

- a. A member shall be notified not less than fifteen (15) days prior to any Council action to recommend termination of the individual's full membership on the Council.

V. Council Meetings

- A. The Council shall convene at least six (6) meetings annually in such places as it determines to be necessary to conduct Council business.
- B. The Council is subject to special meetings at the call of its presiding officer.
- C. All regularly scheduled meetings shall be open and accessible to the general public, either electronically or in-person. Sufficient advance public notice shall be given. All meetings and notices of meetings will comply with IC Section 5-14-1.5 (Indiana Open Door Law). Individuals in attendance who are not council members may address the Council only at the discretion of the DDRS Director. The DDRS Director may schedule executive sessions.
- D. The meetings will provide for disability related access, e.g., captioning, accessible entrance, ASL upon request, and large print materials upon request, etc., unless there is a valid reason for an executive session.
- E. Each council member will be notified of the date, time, and location at least two (2) weeks in advance of the meeting.
- F. All council meeting materials, including the agenda, PowerPoints, etc., will be sent to all council members electronically at least one (1) day prior to the scheduled meeting.
- G. Attendance at and proceedings of all meetings will be recorded via live stream and in meeting memorandum. The memorandum will be distributed by electronic mail to all council members within two (2) weeks following the meeting.

VI. Council Reports

- A. The Division shall provide the Council with a quarterly report containing the following information relating to Medicaid waivers:
 1. The number of current applications for an emergency placement priority waiver.
 2. The number of individuals served on a particular Medicaid waiver.
 3. The number of individuals who are currently on a wait list to be included in a Medicaid waiver.
- B. The Division shall provide the Council with a quarterly report containing the following information relating to vocational rehabilitation services:

1. A status report of the division's effort to fill vocational counselor vacancies.
 2. A status report of the order of selection.
 3. The number of individuals who submitted applications for vocational rehabilitation services.
 4. The number of individuals who are currently on a wait list to obtain vocational rehabilitation services.
 5. The number of individuals who are currently receiving vocational rehabilitation services.
- C. The Division shall provide the council with an annual report summarizing any rate analysis, study, or review conducted by the Division.
- D. The Division shall report to the council prior to any submission of a Medicaid waiver amendment regarding the changes being sought and an explanation of purpose.
- E. The Division shall report to the council prior to any submission for a renewal of a Medicaid waiver:
1. any changes being proposed to the Medicaid waiver;
 2. the current and projected needs of each geographic area of Indiana for residential services for individuals with intellectual or developmental disabilities; and
 3. the availability of developmental or vocational services to individuals with an intellectual or developmental disability living in their own home. IC Section 12-9-4-6.5

VII. Council Communication

- A. The DDRS Director is recognized as the official spokesperson of the Council. Any verbal or written inquiries concerning the Council received from agencies, organizations, or individuals are to be directed to the DDRS Director. Likewise, any verbal or written communication initiated on behalf of the Council is to be initiated by the Director or his/ her designee. Unless specifically directed by the Director, other Council members will refrain from speaking or writing on behalf of the Council.
- B. The Council will utilize the e-mail address bds.help@fssa.in.gov for interested parties to send opinions, comments, questions, or concerns to the Council. The Council shall request that designated BDS staff monitor daily the email received for the Council.

VIII. Amendments

- A. These by-laws may be amended or repealed and new by-laws may be adopted by the DDRS Council at any regular or special meeting.