



Physician's Report

DEFINITION OF "INCAPACITY" AS DEFINED BY INDIANA LAW

I.C. 29-3-1-7.5, INCAPACITATED PERSON:

It means an individual who:

- (1) Cannot be located upon reasonable inquiry;
- (2) Is unable:
 - (A) To manage in whole or in part of the individual's property;
 - (B) To provide self-care; or
 - (C) Both;

Because of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration, confinement, detention, duress, fraud, undue influence of others on the individual, or other incapacity; or

- (3) Has a developmental disability (as defined in I.C. 12-7-2-61).

I.C. 12-7-2-61, DEVELOPMENTAL DISABILITY:

(A) Except as provided in subsection (b), "developmental disability" means a severe, chronic disability of an individual that meets all of the following conditions:

- (1) Is attributed to:
 1. Intellectual disability, cerebral palsy, epilepsy, or autism; or
 2. Any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.
- (2) Is manifested before the individual is twenty-two (22) years of age.
- (3) Is likely to continue indefinitely.
- (4) Results in substantial functional limitations in at least three (3) of the following areas of major life activities:
 - (A) Self-care.
 - (B) Understanding and use of language.
 - (C) Learning.
 - (D) Mobility.
 - (E) Self-direction.
 - (F) Capacity for independent living.
 - (G) Economic self-sufficiency.

(B) The definition in subsection (A) does not apply and may not affect services provided to an individual receiving:

- (1) Home and community based Medicaid waiver; or
- (2) ICF/IID;

Services through the division on June 30, 2011.