

January 28, 1998

SENATE BILL No. 461

DIGEST OF SB 461 (Updated January 26, 1998 4:21 pm - DI 88)

Citations Affected: IC 12-29; noncode.

Synopsis: Payment systems for mental health providers. Allows the division of mental health to continue developing and implementing a prospective or per diem funding system to fund eligible community mental health centers and managed care providers for services to eligible mentally ill and substance abuse patients other than seriously and persistently mentally ill adults. Requires the division of mental health to submit the results of a required actuarial study to the Indiana commission on mental health not later than 30 days after completion of the actuarial study. Requires the division of mental health to develop all payment systems using actuarial principles and generally accepted accounting principles incurred by efficient and economically operated programs that serve mentally ill and substance abuse patients who are found to be eligible for care that is paid for in part or in whole by the state. Delays for one year the repeal of current laws regarding funding
(Continued next page)

Effective: Upon passage; December 31, 1997 (retroactive); June 30, 1999.

Johnson

January 14, 1998, read first time and referred to Committee on Planning and Public Services.
January 27, 1998, amended, reported favorably — Do Pass.

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Digest Continued

methodologies for the seriously and persistently mentally ill. Extends the commission on mental health for four years. Requires the commission to monitor the implementation of managed care programs for all populations of the mentally ill that are eligible for care that is paid for in part or in whole by the state and to make recommendations regarding the commission's findings to the appropriate division or department. Requires the office of the secretary of family and social services to amend a rule to include licensed mental health counselors and marriage and family therapists as providers of Medicaid reimbursable physician directed outpatient mental health services for group, family, and individual outpatient mental health services, subject to rules governing prior authorization and supervision.

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January 28, 1998

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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SENATE BILL No. 461

A BILL FOR AN ACT to repeal certain provisions of the Indiana Code concerning human services.

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

- 1 SECTION 1. THE FOLLOWING ARE REPEALED [EFFECTIVE
2 JUNE 30, 1999]: IC 12-29-2-8; IC 12-29-2-9; IC 12-29-2-10;
3 IC 12-29-2-11; IC 12-29-2-12.
- 4 SECTION 2. P.L.40-1994, SECTION 84, IS REPEALED
5 [EFFECTIVE UPON PASSAGE].
- 6 SECTION 3. P.L.40-1994, SECTION 86, IS AMENDED TO READ
7 AS FOLLOWS [EFFECTIVE DECEMBER 31, 1997
8 (RETROACTIVE)]: SECTION 86. (a) As used in this SECTION,
9 "commission" refers to the Indiana commission on mental health
10 established by this SECTION.
- 11 (b) The Indiana commission on mental health is established.
- 12 (c) The commission consists of sixteen (16) members. The speaker
13 of the house of representatives and the president pro tempore of the
14 senate shall each appoint two (2) legislative members, who may not be
15 from the same political party, to serve on the commission. The

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1 governor shall appoint twelve (12) lay members, not more than six (6)
 2 of whom may be from the same political party, to serve on the
 3 commission as follows:

4 (1) Four (4) at-large members, not more than two (2) of whom
 5 may be from the same political party.

6 (2) Two (2) consumers of mental health services.

7 (3) Two (2) representatives of different advocacy groups for
 8 consumers of mental health services.

9 (4) Two (2) members of families of consumers of mental health
 10 services.

11 (5) Two (2) members who represent mental health providers. One
 12 (1) of the members appointed under this subdivision must be a
 13 physician licensed under IC 25-22.5.

14 (d) Except for the members appointed under subsection (c)(5), the
 15 members of the commission may not have a financial interest in the
 16 subject matter to be studied by the commission.

17 (e) The chairman of the legislative council shall designate a
 18 legislative member of the commission to serve as chairman of the
 19 commission.

20 (f) Each legislative member and each lay member of the
 21 commission is entitled to receive the same per diem, mileage, and
 22 travel allowances paid to individuals serving as legislative and lay
 23 members, respectively, on interim study committees established by the
 24 legislative council.

25 (g) The commission shall do the following:

26 (1) Study and evaluate the funding system for managed care
 27 providers of mental health services.

28 (2) Review and make specific recommendations regarding the
 29 provision of mental health services delivered by community
 30 managed care providers and state operated hospitals.

31 (3) Review and make recommendations regarding any unmet need
 32 for public supported mental health services in any specific
 33 geographic area or throughout Indiana. In formulating these
 34 recommendations, the commission shall consider the need,
 35 feasibility, and desirability of including additional organizations
 36 in the network of managed care providers.

37 (4) Review the results of the actuarial study which must be
 38 submitted by the division of mental health to the commission
 39 ~~before January 1, 1995.~~ **not later than thirty (30) days after**
 40 **completion of the actuarial study.**

41 (5) Make recommendations regarding the application of the
 42 actuarial study by the division of mental health to the

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1 determination of service needs, eligibility criteria, payment, and
2 prioritization of service.

3 (h) The commission shall submit recommendations under
4 subsection (g) to the secretary of the family and social services
5 administration and to the legislative council before ~~January~~ **July 1,**
6 1998.

7 (i) The commission shall:

8 (1) monitor the implementation of managed care programs for all
9 populations of the mentally ill that are eligible for care that is paid
10 for in part or in whole by the state; and

11 (2) make recommendations regarding the commission's findings
12 under subdivision (1) to the appropriate division or department.

13 ~~(j)~~ **(j)** This SECTION expires January 1, ~~1998:~~ **2002.**

14 SECTION 4. P.L.40-1994, SECTION 90, IS AMENDED TO READ
15 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 90. (a)
16 As used in this SECTION, "commission" refers to the Indiana
17 commission on mental health created by this act.

18 (b) The division of mental health, ~~shall do the following:~~

19 ~~(1) Contract for a professionally designed actuarial study to~~
20 ~~quantify the populations to be targeted for public mental health~~
21 ~~services; with a final report to be submitted to the commission~~
22 ~~before January 1, 1995:~~

23 ~~(2) Conduct a study of strengths and weaknesses in current mental~~
24 ~~health service systems; and the need for additional services~~
25 ~~required in a publicly supported delivery system; with a final~~
26 ~~report to be submitted to the commission before January 1, 1995:~~

27 ~~(3) Before July 1, 1995, notwithstanding IC 12-29-2, design and~~
28 ~~implement a pilot program for a prospective funding system based~~
29 ~~on principles of capitated funding with selected mental health~~
30 ~~service providers:~~

31 ~~(4) Before January 1, 1997, evaluate the pilot program, make~~
32 ~~appropriate changes to reflect operational experience, and adjust~~
33 ~~the mental health service provider network to accommodate~~
34 ~~unmet service needs for full implementation of a capitated~~
35 ~~funding system:~~

36 ~~(5) before developing study and evaluation instruments, the~~
37 ~~division of mental health and shall, with the contractor, meet with~~
38 ~~representatives of mental health consumers, advocacy groups,~~
39 ~~employee groups, and managed care providers.~~

40 (c) Notwithstanding IC 12-29-2, ~~before July 1, 1998, the state may~~
41 ~~fund eligible community mental health centers or managed care~~
42 ~~providers (as defined in IC 12-7-2-127(b)) on a prospective or per diem~~

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1 basis using generally accepted accounting principles recognizing costs
 2 incurred by efficient and economically operated programs that serve
 3 the mentally ill and substance abuse patients who are found to be
 4 eligible for state supported care: **the division of mental health:**

5 **(1) may continue to develop and implement a prospective or**
 6 **per diem funding system to fund:**

7 **(A) eligible community mental health centers; and**

8 **(B) managed care providers;**

9 **for services to eligible mentally ill and substance abuse**
 10 **patients other than seriously and persistently mentally ill**
 11 **adults; and**

12 **(2) may continue to implement the division's prospective**
 13 **payment system for funding programs that benefit seriously**
 14 **and persistently mentally ill adults;**

15 **if all prospective or per diem payment systems implemented by the**
 16 **division are developed using actuarial data and principles and**
 17 **generally accepted accounting principles incurred by efficient and**
 18 **economically operated programs that serve mentally ill and**
 19 **substance abuse patients who are found to be eligible for care that**
 20 **is paid for in part or in whole by the state. Adequate management**
 21 **information and patient tracking systems must also be developed**
 22 **and in place before implementation.**

23 (d) The division of mental health shall develop proposed rules under
 24 IC 4-22-2 for managed care providers in accordance with the results of
 25 the actuarial study and pilot program conducted under this SECTION
 26 and report the proposed rules to the commission before July 1, 1997.
 27 The division of mental health shall also submit annual status reports
 28 concerning the requirements of this SECTION to the commission.

29 (e) The division of mental health shall, before April 1, 1998, adopt
 30 rules under IC 4-22-2:

31 (1) setting forth specific criteria for managed care providers under
 32 IC 12-21 through IC 12-29; and

33 (2) notwithstanding IC 12-29-2, creating an operational and
 34 prospective funding system that is consistent with IC 12-21-2-7,
 35 as amended by this act.

36 (f) This SECTION expires January 1, ~~1999~~: **2000**.

37 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) Before January**
 38 **1, 1999, the office of the secretary of family and social services shall**
 39 **amend 405 IAC 1-6-13(e) to include mental health counselors and**
 40 **marriage and family therapists licensed under IC 25-23.6 as**
 41 **providers of Medicaid reimbursable physician directed outpatient**
 42 **mental health services for group, family, and individual outpatient**



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1 **mental health services, subject to rules governing prior**
2 **authorization and supervision.**

3 **(b) This SECTION expires January 1, 1999.**

4 **SECTION 6. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Planning and Public Services, to which was referred Senate Bill 461, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 39, strike "before".

Page 2, line 39, delete "July 1, 1998" and insert "**not later than thirty (30) days after completion of the actuarial study**".

Page 3, line 4, strike "January" and insert "**July**".

Page 3, line 4, reset in roman "1998".

Page 3, delete line 5.

Page 4, line 12, delete "shall" and insert "**may**".

Page 4, line 16, after "actuarial" insert "**data and**".

Page 4, line 20, after "." insert "**Adequate management information and patient tracking systems must also be developed and in place before implementation.**".

Page 4, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) **Before January 1, 1999, the office of the secretary of family and social services shall amend 405 IAC 1-6-13(e) to include mental health counselors and marriage and family therapists licensed under IC 25-23.6 as providers of Medicaid reimbursable physician directed outpatient mental health services for group, family, and individual outpatient mental health services, subject to rules governing prior authorization and supervision.**

(b) **This SECTION expires January 1, 1999.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 461 as introduced.)

JOHNSON, Chairperson

Committee Vote: Yeas 10, Nays 1.



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