



March 30, 1999

**ENGROSSED  
SENATE BILL No. 263**

DIGEST OF SB0263 (Updated March 24, 1999 7:41 pm - DI 77)

**Citations Affected:** Noncode.

**Synopsis:** Moratorium on methadone clinics. Provides that the division of mental health may not grant specific approval to become a new methadone provider until July 1, 2001. Provides requirements under which the division of mental health may grant specific approval to be a new provider of methadone or similar drugs. Specifies the drugs for which distribution by a new methadone provider may not be approved. Provides that the Indiana board of pharmacy may not register an applicant who plans to distribute methadone or similar controlled substances. Requires the division of mental health to prepare an annual  
(Continued next page)

**Effective:** Upon passage.

**Miller, Sipes, Howard**

(HOUSE SPONSORS — BROWN C, FRIZZELL)

January 7, 1999, read first time and referred to Committee on Health and Provider Services.

January 28, 1999, amended, reported favorably — Do Pass.

February 8, 1999, read second time, amended, ordered engrossed.

February 9, 1999, engrossed. Read third time, passed. Yeas 50, nays 0.

**HOUSE ACTION**

March 3, 1999, read first time and referred to Committee on Public Health.

March 29, 1999, reported — Do Pass.

ES 263—LS 6824/DI 77+



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report concerning treatment offered by methadone providers. Requires that patient information as reported to a central registry established by the division of mental health be included in the division's annual report to the governor and the legislative council. Requires providers of methadone to submit information to the division of mental health based on a calendar year. Provides specific dates by which this information must be submitted each year. Provides that failure to submit required information may result in suspension or termination of a provider's certification.

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March 30, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

## ENGROSSED SENATE BILL No. 263

A BILL FOR AN ACT concerning human services.

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
2 **SECTION, "division" refers to the division of mental health.**  
3 (b) **Except as provided in subsection (c), notwithstanding**  
4 **IC 12-23-1-6(4), IC 12-23-14-7, and 440 IAC 4.4-2-1(e), the division**  
5 **may not grant specific approval to be a new provider of any of the**  
6 **following:**  
7 (1) **Methadone.**  
8 (2) **Levo-alpha-acetylmethadol.**  
9 (3) **Levo-alpha-acetylmethadol.**  
10 (4) **Levomethadyl acetate.**  
11 (5) **LAAM.**  
12 (c) **The division may not grant specific approval to be a new**  
13 **provider of one (1) or more of the drugs listed under subsection (b)**  
14 **unless:**  
15 (1) **the drugs will be provided in a county with a population of**  
16 **more than forty thousand (40,000);**  
17 (2) **there are no other providers located in the county or in a**  
18 **county contiguous to the county where the provider will**

ES 263—LS 6824/DI 77+



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1 provide the drugs; and

2 (3) the provider supplies, in writing:

3 (A) a needs assessment for Indiana citizens under  
4 guidelines established by the division; and

5 (B) any other information required by the division.

6 (d) Except as provided in subsection (k), the division shall  
7 prepare a report by June 30 of each year concerning treatment  
8 offered by methadone providers that contains the following  
9 information:

10 (1) The number of methadone providers in the state.

11 (2) The number of patients on methadone during the previous  
12 year.

13 (3) The length of time each patient received methadone and  
14 the average length of time all patients received methadone.

15 (4) The cost of each patient's methadone treatment and the  
16 average cost of methadone treatment.

17 (5) The rehabilitation rate of patients who have undergone  
18 methadone treatment.

19 (6) The number of patients who have become addicted to  
20 methadone.

21 (7) The number of patients who have been rehabilitated and  
22 are no longer on methadone.

23 (8) The number of individuals, by geographic area, who are  
24 on a waiting list to receive methadone.

25 (9) Patient information as reported to a central registry  
26 created by the division.

27 (e) Each methadone provider in the state shall provide  
28 information requested by the division for the report under  
29 subsection (d). The information provided to the division may not  
30 reveal the specific identity of a patient.

31 (f) The information provided to the division under subsection (e)  
32 must be based on a calendar year.

33 (g) The information required under subsection (e) for calendar  
34 year 1998 must be submitted to the division not later than June 30,  
35 1999. Subsequent information must be submitted to the division  
36 not later than:

37 (1) February 28, 2000, for calendar year 1999; and

38 (2) February 28, 2001, for calendar year 2000.

39 (h) Failure of a certified provider to submit the information  
40 required under subsection (e) may result in suspension or  
41 termination of the provider's certification.

42 (i) The division shall report to the governor and the legislative

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1 council the failure of a certified provider to provide information  
 2 required by subsection (e).  
 3 (j) The division shall distribute the report prepared under  
 4 subsection (d) to the governor and legislative council.  
 5 (k) The first report the division is required to prepare under  
 6 subsection (d) is due not later than September 30, 1999.  
 7 (l) The division shall establish a central registry to receive the  
 8 information required by subsection (d)(9).  
 9 (m) This SECTION expires July 1, 2001.  
 10 SECTION 2. [EFFECTIVE UPON PASSAGE] (a)  
 11 Notwithstanding IC 35-48-3 and 856 IAC 2-3, the Indiana board of  
 12 pharmacy may not register a new applicant who plans to distribute  
 13 any of the following:  
 14 (1) Methadone.  
 15 (2) Levo-alpha-acetylmethadol.  
 16 (3) Levo-alpha-acetylmethadol.  
 17 (4) Levomethadyl acetate.  
 18 (5) LAAM.  
 19 (b) This SECTION expires July 1, 2001.  
 20 SECTION 3. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 263, 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 1, line 5, delete "methadone provider." and insert "**provider of any of the following:**

- (1) **Methadone.**
- (2) **Levo-alphaacetylmethadol.**
- (3) **Levo-alpha-acetylmethadol.**
- (4) **Levomethadyl acetate.**
- (5) **LAAM."**

Page 2, between lines 12 and 13, begin a new paragraph and insert: "**SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 35-48-3 and 856 IAC 2-3, the Indiana board of pharmacy may not register a new applicant who plans to distribute any of the following:**

- (1) **Methadone.**
- (2) **Levo-alphaacetylmethadol.**
- (3) **Levo-alpha-acetylmethadol.**
- (4) **Levomethadyl acetate.**
- (5) **LAAM.**

**(b) This SECTION expires July 1, 2001."**

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 263 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 1.

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## SENATE MOTION

Mr. President: I move that Senator Howard be added as coauthor of Senate Bill 263.

MILLER

## SENATE MOTION

Mr. President: I move that Senate Bill 263 be amended to read as follows:

Page 1, line 3, delete "Notwithstanding" and insert "**Except as provided in subsection (c), notwithstanding**".

Page 1, between lines 10 and 11, begin a new paragraph and insert:

**"(c) The division may not grant specific approval to be a new provider of one (1) or more of the drugs listed under subsection (b) unless:**

**(1) the drugs will be provided in a county with a population of more than forty thousand (40,000);**

**(2) there are no other providers located in the county or in a county contiguous to the county where the provider will provide the drugs; and**

**(3) the provider supplies, in writing:**

**(A) a needs assessment for Indiana citizens under guidelines established by the division; and**

**(B) any other information required by the division."**

Page 1, line 11, delete "(c) The" and insert "**(d) Except as provided in subsection (k), the**".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**"(9) Patient information as reported to a central registry created by the division."**

Page 2, line 11, delete "(d)" and insert "(e)".

Page 2, line 13, delete "(c)" and insert "(d)".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

**"(f) The information provided to the division under subsection (e) must be based on a calendar year.**

**(g) The information required under subsection (e) for calendar year 1998 must be submitted to the division not later than June 30, 1999. Subsequent information must be submitted to the division not later than:**

**(1) February 28, 2000, for calendar year 1999; and**



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**(2) February 28, 2001, for calendar year 2000.**

**(h) Failure of a certified provider to submit the information required under subsection (e) may result in suspension or termination of the provider's certification.**

**(i) The division shall report to the governor and the legislative council the failure of a certified provider to provide information required by subsection (e)."**

Page 2, line 15, delete "(e)" and insert "(j)".

Page 2, line 16, delete "(c)" and insert "(d)".

Page 2, between lines 16 and 17, begin a new paragraph and insert:  
**"(k) The first report the division is required to prepare under subsection (d) is due not later than September 30, 1999.**

**(l) The division shall establish a central registry to receive the information required by subsection (d)(9)."**

Page 2, line 17, delete "(f)" and insert "(m)".

(Reference is to SB 263 as printed January 29, 1999.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 263, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 8, nays 4.

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