

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 260, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-1-8-1 IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) No individual may be
- 5 compelled by any state agency, board, commission, department,
- 6 bureau, or other entity of state government (referred to as "state
- 7 agency" in this chapter) to provide the individual's Social Security
- 8 number to the state agency against the individual's will, absent federal
- 9 requirements to the contrary. However, the provisions of this chapter
- 10 do not apply to the following:
- 11 (1) Department of state revenue.
- 12 (2) Department of workforce development.
- 13 (3) The programs administered by:
- 14 (A) the division of family and children;

- 1 (B) the division of **addiction and mental health services**;
 2 (C) the division of disability, aging, and rehabilitative services;
 3 and
 4 (D) the office of Medicaid policy and planning;
 5 of the office of the secretary of family and social services.
 6 (4) Auditor of state.
 7 (5) State personnel department.
 8 (6) Secretary of state, with respect to the registration of
 9 broker-dealers, agents, and investment advisors.
 10 (7) The legislative ethics commission, with respect to the
 11 registration of lobbyists.
 12 (8) Indiana department of administration, with respect to bidders
 13 on contracts.
 14 (9) Indiana department of transportation, with respect to bidders
 15 on contracts.
 16 (10) Health professions bureau.
 17 (11) Indiana professional licensing agency.
 18 (12) Indiana department of insurance, with respect to licensing of
 19 insurance agents.
 20 (13) A pension fund administered by the board of trustees of the
 21 public employees' retirement fund.
 22 (14) The Indiana state teachers' retirement fund.
 23 (15) The state police benefit system.
 24 (b) The bureau of motor vehicles may, notwithstanding this chapter,
 25 require the following:
 26 (1) That an individual include the individual's Social Security
 27 number in an application for an official certificate of title for any
 28 vehicle required to be titled under IC 9-17.
 29 (2) That an individual include the individual's Social Security
 30 number on an application for registration.
 31 (3) That a corporation, limited liability company, firm,
 32 partnership, or other business entity include its federal tax
 33 identification number on an application for registration.
 34 (c) The Indiana department of administration, the Indiana
 35 department of transportation, the health professions bureau, and the
 36 Indiana professional licensing agency may require an employer to
 37 provide its federal employer identification number.
 38 (d) The department of correction may require a committed offender

1 to provide the offender's Social Security number for purposes of
 2 matching data with the Social Security Administration to determine
 3 benefit eligibility.

4 (e) The Indiana gaming commission may, notwithstanding this
 5 chapter, require the following:

6 (1) That an individual include the individual's Social Security
 7 number in any application for a riverboat owner's license,
 8 supplier's license, or occupational license.

9 (2) That a sole proprietorship, a partnership, an association, a
 10 fiduciary, a corporation, a limited liability company, or any other
 11 business entity include its federal tax identification number on an
 12 application for a riverboat owner's license or supplier's license.

13 SECTION 2. IC 4-15-2-3.8 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.8. "State service"
 15 means public service by:

16 (1) employees and officers, including the incumbent directors, of
 17 the county offices of family and children; and

18 (2) employees and officers, except members of boards and
 19 commissions or individuals hired for or appointed to, after June
 20 30, 1982, positions as appointing authorities, deputies, assistants
 21 reporting to appointing authorities, or supervisors of major units
 22 within state agencies, irrespective of the title carried by those
 23 positions, of the division of disability, aging, and rehabilitative
 24 services, Fort Wayne State Developmental Center, Muscatatuck
 25 State Developmental Center, New Castle State Developmental
 26 Center, Northern Indiana State Developmental Center, division of
 27 **addiction and mental health services**, Larue D. Carter Memorial
 28 Hospital, Evansville State Psychiatric Treatment Center for
 29 Children, Central State Hospital, Evansville State Hospital,
 30 Logansport State Hospital, Madison State Hospital, Richmond
 31 State Hospital, state department of health, Indiana School for the
 32 Blind, Indiana School for the Deaf, Indiana Veterans' Home,
 33 Indiana Soldiers' and Sailors' Children's Home, Silvercrest
 34 Children's Development Center, department of correction,
 35 Westville Correctional Facility, Plainfield Juvenile Correctional
 36 Facility, Putnamville Correctional Facility, Indianapolis Juvenile
 37 Correctional Facility, Indiana State Prison, Indiana Women's
 38 Prison, Pendleton Correctional Facility, Reception and Diagnostic

1 Center, Rockville Correctional Facility, Youth Rehabilitation
 2 Facility, Plainfield Correctional Facility, department of fire and
 3 building services, state emergency management agency
 4 (excluding a county emergency management organization and any
 5 other local emergency management organization created under
 6 IC 10-4-1), civil rights commission, criminal justice planning
 7 agency, department of workforce development, Indiana historical
 8 bureau, Indiana state library, division of family and children,
 9 Indiana state board of animal health, Federal Surplus Property
 10 Warehouse, Indiana education employment relations board,
 11 public employees' retirement fund, teachers' retirement fund,
 12 department of labor, Indiana protection and advocacy services
 13 commission, commission on public records, Indiana horse racing
 14 commission, and state personnel department.

15 SECTION 3. IC 4-33-4-21.2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 21.2. (a) The Indiana
 17 gaming commission shall require a licensed owner to conspicuously
 18 display the number of the toll free telephone line described in
 19 IC 4-33-12-6 in the following locations:

- 20 (1) On each admission ticket to a riverboat gambling excursion.
 21 (2) On a poster or placard that is on display in a public area of
 22 each riverboat where gambling games are conducted.
 23 (b) The toll free telephone line described in IC 4-33-12-6 must be:
 24 (1) maintained by the division of **addiction and** mental health
 25 **services** under IC 12-23-1-6; and
 26 (2) funded by the addiction services fund established by
 27 IC 12-23-2-2.

28 (c) The commission may adopt rules under IC 4-22-2 necessary to
 29 carry out this section.

30 SECTION 4. IC 4-33-12-6 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) The department
 32 shall place in the state general fund the tax revenue collected under this
 33 chapter.

34 (b) Except as provided by subsection (c), the treasurer of state shall
 35 quarterly pay the following amounts:

- 36 (1) One dollar (\$1) of the admissions tax collected by the licensed
 37 owner for each person embarking on a riverboat during the
 38 quarter shall be paid to:

- 1 (A) the city in which the riverboat is docked, if the city:
- 2 (i) is described in IC 4-33-6-1(a)(1) through
- 3 IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or
- 4 (ii) is contiguous to the Ohio River and is the largest city in
- 5 the county; and
- 6 (B) the county in which the riverboat is docked, if the
- 7 riverboat is not docked in a city described in clause (A).
- 8 (2) One dollar (\$1) of the admissions tax collected by the licensed
- 9 owner for each person embarking on a riverboat during the
- 10 quarter shall be paid to the county in which the riverboat is
- 11 docked. In the case of a county described in subdivision (1)(B),
- 12 this one dollar (\$1) is in addition to the one dollar (\$1) received
- 13 under subdivision (1)(B).
- 14 (3) Ten cents (\$0.10) of the admissions tax collected by the
- 15 licensed owner for each person embarking on a riverboat during
- 16 the quarter shall be paid to the county convention and visitors
- 17 bureau or promotion fund for the county in which the riverboat is
- 18 docked.
- 19 (4) Fifteen cents (\$0.15) of the admissions tax collected by the
- 20 licensed owner for each person embarking on a riverboat during
- 21 a quarter shall be paid to the state fair commission, for use in any
- 22 activity that the commission is authorized to carry out under
- 23 IC 15-1.5-3.
- 24 (5) Ten cents (\$0.10) of the admissions tax collected by the
- 25 licensed owner for each person embarking on a riverboat during
- 26 the quarter shall be paid to the division of **addiction and** mental
- 27 health **services**. The division shall allocate at least twenty-five
- 28 percent (25%) of the funds derived from the admissions tax to the
- 29 prevention and treatment of compulsive gambling.
- 30 (6) Sixty-five cents (\$0.65) of the admissions tax collected by the
- 31 licensed owner for each person embarking on a riverboat during
- 32 the quarter shall be paid to the Indiana horse racing commission
- 33 to be distributed as follows, in amounts determined by the Indiana
- 34 horse racing commission, for the promotion and operation of
- 35 horse racing in Indiana:
- 36 (A) To one (1) or more breed development funds established
- 37 by the Indiana horse racing commission under IC 4-31-11-10.
- 38 (B) To a racetrack that was approved by the Indiana horse

1 racing commission under IC 4-31. The commission may make
 2 a grant under this clause only for purses, promotions, and
 3 routine operations of the racetrack. No grants shall be made
 4 for long term capital investment or construction and no grants
 5 shall be made before the racetrack becomes operational and is
 6 offering a racing schedule.

7 (c) With respect to tax revenue collected from a riverboat that
 8 operates on Patoka Lake, the treasurer of state shall quarterly pay the
 9 following amounts:

10 (1) The counties described in IC 4-33-1-1(3) shall receive one
 11 dollar (\$1) of the admissions tax collected for each person
 12 embarking on the riverboat during the quarter. This amount shall
 13 be divided equally among the counties described in
 14 IC 4-33-1-1(3).

15 (2) The Patoka Lake development account established under
 16 IC 4-33-15 shall receive one dollar (\$1) of the admissions tax
 17 collected for each person embarking on the riverboat during the
 18 quarter.

19 (3) The resource conservation and development program that:

20 (A) is established under 16 U.S.C. 3451 et seq.; and

21 (B) serves the Patoka Lake area;

22 shall receive forty cents (\$0.40) of the admissions tax collected
 23 for each person embarking on the riverboat during the quarter.

24 (4) The state general fund shall receive fifty cents (\$0.50) of the
 25 admissions tax collected for each person embarking on the
 26 riverboat during the quarter.

27 (5) The division of **addiction and** mental health **services** shall
 28 receive ten cents (\$0.10) of the admissions tax collected for each
 29 person embarking on the riverboat during the quarter. The
 30 division shall allocate at least twenty-five percent (25%) of the
 31 funds derived from the admissions tax to the prevention and
 32 treatment of compulsive gambling.

33 (d) Money paid to a unit of local government under subsection
 34 (b)(1) through (b)(2) or subsection (c)(1):

35 (1) must be paid to the fiscal officer of the unit and may be
 36 deposited in the unit's general fund or riverboat fund established
 37 under IC 36-1-8-9, or both;

38 (2) may not be used to reduce the unit's maximum or actual levy

1 under IC 6-1.1-18.5; and
 2 (3) may be used for any legal or corporate purpose of the unit,
 3 including the pledge of money to bonds, leases, or other
 4 obligations under IC 5-1-14-4.

5 (e) Money paid by the treasurer of state under subsection (b)(3)
 6 shall be:

7 (1) deposited in:
 8 (A) the county convention and visitor promotion fund; or
 9 (B) the county's general fund if the county does not have a
 10 convention and visitor promotion fund; and
 11 (2) used only for the tourism promotion, advertising, and
 12 economic development activities of the county and community.

13 (f) Money received by the division of **addiction and** mental health
 14 **services** under subsections (b)(5) and (c)(5):

15 (1) is annually appropriated to the division of **addiction and**
 16 **mental health services**;
 17 (2) shall be distributed to the division of **addiction and** mental
 18 **health services** at times during each state fiscal year determined
 19 by the budget agency; and
 20 (3) shall be used by the division of **addiction and** mental health
 21 **services** for programs and facilities for the prevention and
 22 treatment of addictions to drugs, alcohol, and compulsive
 23 gambling, including the creation and maintenance of a toll free
 24 telephone line to provide the public with information about these
 25 addictions. The division shall allocate at least twenty-five percent
 26 (25%) of the money received to the prevention and treatment of
 27 compulsive gambling.

28 SECTION 5. IC 5-1-16-1 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

30 "Authority" refers to the Indiana health facility financing authority.

31 "Bonds" includes bonds, refunding bonds, notes, interim
 32 certificates, bond anticipation notes, and other evidences of
 33 indebtedness of the authority, issued under this chapter.

34 "Building" or "buildings" or similar words mean any building or part
 35 of a building or addition to a building for health care purposes. The
 36 term includes the site for the building (if a site is to be acquired),
 37 equipment, heating facilities, sewage disposal facilities, landscaping,
 38 walks, drives, parking facilities, and other structures, facilities,

1 appurtenances, materials, and supplies that may be considered
2 necessary to render a building suitable for use and occupancy for health
3 care purposes.

4 "Cost" includes the following:

5 (1) The cost and the incidental and related costs of the
6 acquisition, repair, restoration, reconditioning, refinancing, or
7 installation of health facility property.

8 (2) The cost of any property interest in health facility property,
9 including an option to purchase a leasehold interest.

10 (3) The cost of constructing health facility property, or an addition
11 to health facility property, acquiring health facility property, or
12 remodeling health facility property.

13 (4) The cost of architectural, engineering, legal, trustee,
14 underwriting, and related services; the cost of the preparation of
15 plans, specifications, studies, surveys, and estimates of cost and
16 of revenue; and all other expenses necessary or incident to
17 planning, providing, or determining the need for or the feasibility
18 and practicability of health facility property.

19 (5) The cost of financing charges, including premiums or
20 prepayment penalties and interest accrued during the construction
21 of health facility property or before the acquisition and
22 installation or refinancing of such health facility property for up
23 to two (2) years after such construction, acquisition, and
24 installation or refinancing and startup costs related to health
25 facility property for up to two (2) years after such construction,
26 acquisition, and installation or refinancing.

27 (6) The costs paid or incurred in connection with the financing of
28 health facility property, including out-of-pocket expenses, the cost
29 of any policy of insurance; the cost of printing, engraving, and
30 reproduction services; and the cost of the initial or acceptance fee
31 of any trustee or paying agent.

32 (7) The costs of the authority, incurred in connection with
33 providing health facility property, including reasonable sums to
34 reimburse the authority for time spent by its agents or employees
35 in providing and financing health facility property.

36 (8) The cost paid or incurred for the administration of any
37 program for the purchase or lease of or the making of loans for
38 health facility property, by the authority and any program for the

1 sale or lease of or making of loans for health facility property to
2 any participating provider.

3 "County" means any county in the state that owns and operates a
4 county hospital.

5 "Health facility property" means any tangible or intangible property
6 or asset owned or used by a participating provider and which:

7 (1) is determined by the authority to be necessary or helpful,
8 directly or indirectly, to provide:

- 9 (A) health care;
- 10 (B) medical research;
- 11 (C) training or teaching of health care personnel;
- 12 (D) habilitation, rehabilitation, or therapeutic services; or
- 13 (E) any related supporting services;

14 in Indiana, regardless of whether such property is in existence at
15 the time of, or is to be provided after the making of, such finding;

16 (2) is a residential facility for:

- 17 (A) the physically, mentally, or emotionally disabled;
- 18 (B) the physically or mentally ill; or
- 19 (C) the elderly; or

20 (3) is a licensed child caring institution providing residential care
21 described in IC 12-7-2-29(1).

22 "Health facility" means any facility or building owned or used by a
23 participating provider which is utilized, directly or indirectly:

24 (1) in:

- 25 (A) health care;
- 26 (B) habilitation, rehabilitation, or therapeutic services;
- 27 (C) medical research;
- 28 (D) the training or teaching of health care personnel; or
- 29 (E) any related supporting services;

30 (2) to provide a residential facility for:

- 31 (A) the physically, mentally, or emotionally disabled;
- 32 (B) the physically or mentally ill; or
- 33 (C) the elderly; or

34 (3) as a child caring institution and provides residential care
35 described in IC 12-7-2-29(1).

36 "Net revenues" means the revenues of a hospital remaining after
37 provision for proper and reasonable expenses of operation, repair,
38 replacement, and maintenance of the hospital.

1 "Participating provider" means a person, corporation, municipal
 2 corporation, political subdivision, or other entity, public or private,
 3 which:

4 (1) is:

5 (A) licensed under IC 12-25, IC 16-21, or IC 16-28;

6 (B) a regional blood center;

7 (C) a community mental health center or community mental
 8 retardation and other developmental disabilities center (as
 9 defined in IC 12-7-2-38 and IC 12-7-2-39);

10 (D) an entity that contracts with the division of **addiction and**
 11 **mental health services** to provide the program described in
 12 IC 12-11-2 or IC 12-22-2;

13 (E) a vocational rehabilitation center established under
 14 IC 12-12-1-4(1);

15 (F) the owner or operator of a facility that is utilized, directly
 16 or indirectly, to provide health care, habilitation, rehabilitation,
 17 therapeutic services, medical research, the training or teaching
 18 of health care personnel, or any related supporting services, or
 19 of a residential facility for the physically, mentally, or
 20 emotionally disabled, physically or mentally ill, or the elderly;

21 (G) a licensed child caring institution providing residential
 22 care described in IC 12-7-2-29(1);

23 (H) an integrated health care system between or among
 24 providers, a health care purchasing alliance, a health insurer
 25 or third party administrator that is a participant in an integrated
 26 health care system, a health maintenance or preferred provider
 27 organization, or a foundation that supports a health care
 28 provider; or

29 (I) an individual, a business entity, or a governmental entity
 30 that owns an equity or membership interest in any of the
 31 organizations described in clauses (A) through (H); and

32 (2) under this chapter, contracts with the authority for the
 33 financing or refinancing of, or the lease or other acquisition of,
 34 health facility property.

35 "Regional blood center" means a nonprofit corporation or
 36 corporation created under 36 U.S.C. 1 that:

37 (1) is:

38 (A) accredited by the American Association of Blood Banks;

- 1 or
- 2 (B) registered or licensed by the Food and Drug
- 3 Administration of the Department of Health and Human
- 4 Services; and
- 5 (2) owns and operates a health facility that is primarily engaged
- 6 in:
 - 7 (A) drawing, testing, processing, and storing human blood and
 - 8 providing blood units or components to Indiana hospitals; or
 - 9 (B) harvesting, testing, typing, processing, and storing human
 - 10 body tissue and providing this tissue to Indiana hospitals.

11 SECTION 6. IC 5-20-1-2 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 1999]: Sec. 2. As used in this chapter:

13 "Assisted" means, with respect to a loan:

- 14 (1) the payment by the United States or any duly authorized
- 15 agency thereof of assistance payments, interest payments, or
- 16 mortgage reduction payments with respect to such loan; or
- 17 (2) the provision of insurance, guaranty, security, collateral,
- 18 subsidies, or other forms of assistance or aid acceptable to the
- 19 authority for the making, holding, or selling of a loan from the
- 20 United States, any duly authorized agency thereof, or any entity
- 21 or corporation acceptable to the authority, other than the sponsor.

22 "Authority" means the Indiana housing finance authority created
 23 under this chapter.

24 "Bonds" or "notes" means the bonds or notes authorized to be issued
 25 by the authority under this chapter.

26 "Development costs" means the costs approved by the authority as
 27 appropriate expenditures and credits which may be incurred by
 28 sponsors, builders, and developers of residential housing prior to
 29 commitment and initial advance of the proceeds of a construction loan
 30 or of a mortgage, including but not limited to:

- 31 (1) payments for options to purchase properties on the proposed
- 32 residential housing site, deposits on contracts of purchase, or,
- 33 with prior approval of the authority, payments for the purchase of
- 34 such properties;
- 35 (2) legal, organizational, and marketing expenses, including
- 36 payments of attorney's fees, project manager, clerical, and other
- 37 incidental expenses;
- 38 (3) payment of fees for preliminary feasibility studies and

- 1 advances for planning, engineering, and architectural work;
 2 (4) expenses for surveys as to need and market analyses;
 3 (5) necessary application and other fees;
 4 (6) credits allowed by the authority to recognize the value of
 5 service provided at no cost by the sponsors, builders, or
 6 developers; and
 7 (7) such other expenses as the authority deems appropriate for the
 8 purposes of this chapter.

9 "Governmental agency" means any department, division, public
 10 agency, political subdivision, or other public instrumentality of the
 11 state of Indiana, the federal government, any other state or public
 12 agency, or any two (2) or more thereof.

13 "Construction loan" means a loan to provide interim financing for
 14 the acquisition or construction of single family residential housing,
 15 including land development.

16 "Mortgage" or "mortgage loan" means a loan to provide permanent
 17 financing for:

- 18 (1) the rehabilitation, acquisition, or construction of single family
 19 residential housing, including land development; or
 20 (2) the weatherization of single family residences.

21 "Mortgage lender" means a bank, trust company, savings bank,
 22 savings association, credit union, national banking association, federal
 23 savings association or federal credit union maintaining an office in this
 24 state, a public utility (as defined in IC 8-1-2-1), a gas utility system
 25 organized under IC 8-1-11.1, an insurance company authorized to do
 26 business in this state, or any mortgage banking firm or mortgagee
 27 authorized to do business in this state and approved by either the
 28 authority or the Department of Housing and Urban Development.

29 "Land development" means the process of acquiring land primarily
 30 for residential housing construction for persons and families of low and
 31 moderate income and making, installing, or constructing nonresidential
 32 housing improvements, including water, sewer, and other utilities,
 33 roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and
 34 other installations or works, whether on or off the site, which the
 35 authority deems necessary or desirable to prepare such land primarily
 36 for residential housing construction.

37 "Obligations" means any bonds or notes authorized to be issued by
 38 the authority under this chapter.

1 "Persons and families of low and moderate income" means persons
 2 and families of insufficient personal or family income to afford
 3 adequate housing as determined by the standards established by the
 4 authority, and in determining such standards the authority shall take
 5 into account the following:

6 (1) The amount of total income of such persons and families
 7 available for housing needs.

8 (2) The size of the family.

9 (3) The cost and condition of housing facilities available in the
 10 different geographic areas of the state.

11 (4) The ability of such persons and families to compete
 12 successfully in the private housing market and to pay the amounts
 13 at which private enterprise is providing sanitary, decent, and safe
 14 housing.

15 The standards shall, however, comply with the applicable limitations
 16 of section 4(b) of this chapter.

17 "Residential facility for children" means a facility:

18 (1) that provides residential services to individuals who are:

19 (A) under twenty-one (21) years of age; and

20 (B) adjudicated to be children in need of services under
 21 IC 31-34 (or IC 31-6-4 before its repeal) or delinquent children
 22 under IC 31-37 (or IC 31-6-4 before its repeal); and

23 (2) that is:

24 (A) a child caring institution that is or will be licensed under
 25 IC 12-17.4;

26 (B) a residential facility that is or will be licensed under
 27 IC 12-28-5; or

28 (C) a facility that is or will be certified by the division of
 29 **addiction and mental health services** under IC 12-23.

30 "Residential facility for the developmentally disabled" means a
 31 facility that is approved for use in a community residential program for
 32 the developmentally disabled under IC 12-11-2-1(1), IC 12-11-2-1(2),
 33 or IC 12-11-2-1(3).

34 "Residential facility for the mentally ill" means a facility that is
 35 approved by the division of **addiction and mental health services** for
 36 use in a community residential program for the mentally ill under
 37 IC 12-22-2-3(1), IC 12-22-2-3(2), IC 12-22-2-3(3), or IC 12-22-2-3(4).

38 "Residential housing" means a specific work or improvement

1 undertaken primarily to provide single or multiple family housing for
2 rental or sale to persons and families of low and moderate income,
3 including the acquisition, construction, or rehabilitation of lands,
4 buildings, and improvements thereto, and such other nonhousing
5 facilities as may be incidental or appurtenant thereto.

6 "Sponsors", "builders", or "developers" means corporations,
7 associations, partnerships, limited liability companies, or other entities
8 and consumer housing cooperatives organized pursuant to law for the
9 primary purpose of providing housing to low and moderate income
10 persons and families.

11 "State" means the state of Indiana.

12 "Tenant programs and services" means services and activities for
13 persons and families living in residential housing, including the
14 following:

15 (1) Counseling on household management, housekeeping,
16 budgeting, and money management.

17 (2) Child care and similar matters.

18 (3) Access to available community services related to job training
19 and placement, education, health, welfare, and other community
20 services.

21 (4) Guard and other matters related to the physical security of the
22 housing residents.

23 (5) Effective management-tenant relations, including tenant
24 participation in all aspects of housing administration,
25 management, and maintenance.

26 (6) Physical improvements of the housing, including buildings,
27 recreational and community facilities, safety measures, and
28 removal of code violations.

29 (7) Advisory services for tenants in the creation of tenant
30 organizations which will assume a meaningful and responsible
31 role in the planning and carrying out of housing affairs.

32 (8) Procedures whereby tenants, either individually or in a group,
33 may be given a hearing on questions relating to management
34 policies and practices either in general or in relation to an
35 individual or family.

36 SECTION 7. IC 5-20-4-15 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. (a) The housing
38 trust fund advisory committee is established.

1 (b) The committee consists of sixteen (16) members to be appointed
2 by the governor as follows:

- 3 (1) One (1) member of the division of **addiction and** mental
4 **health services.**
5 (2) One (1) member of the division of family and children.
6 (3) One (1) member of the division of disability, aging, and
7 rehabilitative services.
8 (4) One (1) member of the department of commerce.
9 (5) One (1) member to represent residential real estate developers.
10 (6) One (1) member to represent construction trades.
11 (7) One (1) member to represent banks and other lending
12 institutions.
13 (8) One (1) member to represent the interests of persons with
14 disabilities.
15 (9) One (1) member to represent service providers.
16 (10) Two (2) members to represent neighborhood groups.
17 (11) One (1) member to represent low income families.
18 (12) One (1) member to represent nonprofit community based
19 organizations and community development corporations.
20 (13) One (1) member to represent real estate brokers or
21 salespersons.
22 (14) One (1) member to represent the Indiana Apartment Owner's
23 Association.
24 (15) One (1) member to represent the manufactured housing
25 industry.

26 At least three (3) members of the committee shall be from a city with
27 a population of less than thirty-five thousand (35,000), a town, or a
28 rural area.

29 (c) Members of the advisory committee shall serve a term of three
30 (3) years. However, the governor may remove for cause an appointed
31 member of the advisory committee and fill vacancies of appointed
32 members on the advisory committee.

33 (d) The advisory committee shall make recommendations to the
34 housing finance authority regarding:

- 35 (1) the development of policies and procedures under section 14
36 of this chapter; and
37 (2) long term sources to capitalize the housing trust fund,
38 including the following:

- 1 (A) Revenue from development ordinances, fees, or taxes.
- 2 (B) Market based or private revenue.
- 3 (C) Revenue generated from government programs,
- 4 foundations, private individuals, or corporations.
- 5 (e) The advisory committee shall prepare and present an annual
- 6 report that:
 - 7 (1) describes disbursements under the housing trust fund; and
 - 8 (2) makes recommendations to the board of the Indiana housing
 - 9 finance authority regarding long term sources to capitalize the
 - 10 housing trust fund.

11 SECTION 8. IC 6-7-1-32.1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32.1. (a) The money in
 13 the mental health centers fund is annually appropriated to the division
 14 of **addiction and** mental health **services**.

- 15 (b) The division may use the money:
 - 16 (1) to pay the state's share of the cost of acquiring sites for,
 - 17 constructing, remodeling, equipping, or operating community
 - 18 mental health centers; and
 - 19 (2) to provide grants for a partial facility if there is a reasonable
 - 20 assurance that the facility will provide community mental health
 - 21 services within five (5) years after it provides any partial service
 - 22 to the public.

23 SECTION 9. IC 7.1-6-2-2 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The division of
 25 **addiction and** mental health **services** established under IC 12-21 shall
 26 coordinate the conduct of random unannounced inspections at locations
 27 where tobacco products are sold or distributed to ensure compliance
 28 with this article. Only the commission, an Indiana law enforcement
 29 agency, the office of the sheriff of a county, or an organized police
 30 department of a municipal corporation may conduct the random
 31 unannounced inspections. These entities may use retired or off-duty
 32 law enforcement officers to conduct inspections under this section.

33 SECTION 10. IC 7.1-6-2-5 IS AMENDED TO READ AS
 34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The division of
 35 **addiction and** mental health **services** established under IC 12-21 shall
 36 annually prepare for submission to the Secretary of the United States
 37 Department of Health and Human Services the report required by
 38 Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) and

1 implementing regulations promulgated under that act.

2 SECTION 11. IC 9-18-32.2-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. Effective 1-1-2000.

4 (a) The annual fee described in section 3(a)(2) of this chapter shall be
5 deposited with the treasurer of state in a special account. Money in the
6 account at the end of a state fiscal year does not revert to the state
7 general fund.

8 (b) The auditor of state shall monthly distribute the money in the
9 special account established under subsection (a) to the Indiana
10 Communities for Drug-Free Youth, Inc., or its successor organization,
11 if the Indiana Communities for Drug-Free Youth, Inc., or its successor
12 organization meets the following requirements:

- 13 (1) The organization is an Indiana nonprofit corporation.
- 14 (2) The organization is exempt from federal income taxation
- 15 under Internal Revenue Code 501(c)(3).

16 However, if an organization does not meet these requirements, the
17 treasurer of state shall create a segregated account within the addiction
18 services fund established under IC 12-23-2-2, and the auditor of state
19 shall deposit the money in the account to be distributed to the division
20 of **addiction and mental health services**.

21 (c) An organization that receives money under subsection (b) shall
22 distribute the money to local nonprofit organizations at least
23 semiannually for drug abuse education and prevention initiatives.

24 SECTION 12. IC 9-24-15-6.5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6.5. (a) The court shall
26 grant a petition for a restricted driving permit filed under this chapter
27 if all of the following conditions exist:

- 28 (1) The person was not convicted of one (1) or more of the
- 29 following:
 - 30 (A) A Class D felony under IC 9-30-5-4 before July 1, 1996,
 - 31 or a Class D felony or a Class C felony under IC 9-30-5-4 after
 - 32 June 30, 1996.
 - 33 (B) A Class C felony under IC 9-30-5-5 before July 1, 1996, or
 - 34 a Class C felony or a Class B felony under IC 9-30-5-5 after
 - 35 June 30, 1996.
- 36 (2) The person's driving privileges were suspended under
- 37 IC 9-30-6-9(b) or IC 35-48-4-15.
- 38 (3) The driving that was the basis of the suspension was not in

1 connection with the person's work.

2 (4) The person does not have a previous conviction for operating
3 while intoxicated.

4 (5) The person is participating in a rehabilitation program
5 certified by the division of **addiction and mental health services**
6 as a condition of the person's probation.

7 (b) The person filing the petition for a restricted driving permit shall
8 include in the petition the information specified in subsection (a) in
9 addition to the information required by sections 3 through 4 of this
10 chapter.

11 (c) Whenever the court grants a person restricted driving privileges
12 under this chapter, that part of the court's order granting probationary
13 driving privileges shall not take effect until the person's driving
14 privileges have been suspended for at least thirty (30) days under
15 IC 9-30-6-9.

16 SECTION 13. IC 9-30-10-9, AS AMENDED BY SEA 40-1999, IS
17 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

18 Sec. 9. (a) If a court finds that a person:

19 (1) is a habitual violator under section 4(c) of this chapter;

20 (2) has not been previously placed on probation under this section
21 by a court;

22 (3) operates a vehicle for commercial or business purposes, and
23 the person's mileage for commercial or business purposes:

24 (A) is substantially in excess of the mileage of an average
25 driver; and

26 (B) may have been a factor that contributed to the person's
27 poor driving record; and

28 (4) does not have:

29 (A) a judgment for a violation enumerated in section 4(a) of
30 this chapter; or

31 (B) at least three (3) judgments (singularly or in combination
32 and not arising out of the same incident) of the violations
33 enumerated in section 4(b) of this chapter;

34 the court may place the person on probation in accordance with
35 subsection (c).

36 (b) If a court finds that a person:

37 (1) is a habitual violator under section 4(b) of this chapter;

38 (2) has not been previously placed on probation under this section

- 1 by a court;
- 2 (3) does not have a judgment for any violation listed in section
- 3 4(a) of this chapter;
- 4 (4) has had the person's driving privileges suspended under this
- 5 chapter for at least five (5) consecutive years; and
- 6 (5) has not violated the terms of the person's suspension by
- 7 operating a vehicle;
- 8 the court may place the person on probation in accordance with
- 9 subsection (c). However, if the person has any judgments for operation
- 10 of a vehicle while intoxicated or with at least ten-hundredths percent
- 11 (0.10%) alcohol by weight in grams in one hundred (100) milliliters of
- 12 the blood, or two hundred ten (210) liters of the breath, the court,
- 13 before the court places a person on probation under subsection (c),
- 14 must find that the person has successfully fulfilled the requirements of
- 15 a rehabilitation program certified by the division of **addiction and**
- 16 **mental health services.**
- 17 (c) Whenever a court places a habitual violator on probation, the
- 18 court:
- 19 (1) shall record each of the court's findings under this section in
- 20 writing;
- 21 (2) shall obtain the person's driver's license or permit and send the
- 22 license or permit to the bureau;
- 23 (3) shall direct the person to apply to the bureau for a restricted
- 24 driver's license;
- 25 (4) shall order the bureau to issue the person an appropriate
- 26 license;
- 27 (5) shall place the person on probation for a fixed period of not
- 28 less than three (3) years and not more than ten (10) years;
- 29 (6) shall attach restrictions to the person's driving privileges,
- 30 including restrictions limiting the person's driving to:
- 31 (A) commercial or business purposes or other employment
- 32 related driving;
- 33 (B) specific purposes in exceptional circumstances; and
- 34 (C) rehabilitation programs;
- 35 (7) shall order the person to file proof of financial responsibility
- 36 for three (3) years following the date of being placed on
- 37 probation; and
- 38 (8) may impose other appropriate conditions of probation.

- 1 (d) If a court finds that a person:
- 2 (1) is a habitual violator under section 4(b) or 4(c) of this chapter;
- 3 (2) does not have any judgments for violations under section 4(a)
- 4 of this chapter;
- 5 (3) does not have any judgments or convictions for violations
- 6 under section 4(b) of this chapter, except for judgments or
- 7 convictions under section 4(b)(4) of this chapter that resulted
- 8 from driving on a suspended license that was suspended for:
- 9 (A) the commission of infractions only; or
- 10 (B) previously driving on a suspended license;
- 11 (4) has not been previously placed on probation under this section
- 12 by a court; and
- 13 (5) has had the person's driving privileges suspended under this
- 14 chapter for at least three (3) consecutive years and has not
- 15 violated the terms of the person's suspension by operating a
- 16 vehicle for at least three (3) consecutive years;

17 the court may place the person on probation under subsection (c).

18 SECTION 14. IC 11-10-4-2 IS AMENDED TO READ AS

19 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The department shall

20 provide for the care and treatment of every confined offender who is

21 determined to be mentally ill by a psychiatrist employed or retained by

22 the department. To provide that care and treatment, the department

23 may:

- 24 (1) establish and operate its own mental health facilities and
- 25 programs;
- 26 (2) transfer offenders to the division of **addiction and** mental
- 27 health **services**, subject to the approval of the director of the
- 28 division of **addiction and** mental health **services**; or
- 29 (3) contract with any city, county, state, or federal authority or
- 30 with other public or private organizations for the provision of care
- 31 and treatment.

32 SECTION 15. IC 11-10-4-3 IS AMENDED TO READ AS

33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A committed

34 offender may be involuntarily transferred to the division of **addiction**

35 **and** mental health **services** or to a mental health facility only if:

- 36 (1) the offender has been examined by a psychiatrist employed or
- 37 retained by the department and the psychiatrist reports to the
- 38 department in writing that, in his opinion, the offender is mentally

- 1 ill and in need of care and treatment by the division of **addiction**
2 **and** mental health **services** or in a mental health facility;
- 3 (2) the director of mental health approves of the transfer if the
4 offender is to be transferred to the division of **addiction and**
5 **mental health services**; and
- 6 (3) the department affords the offender a hearing to determine the
7 need for the transfer, which hearing must comply with the
8 following minimum standards:
- 9 (A) The offender shall be given at least ten (10) days advance
10 written and verbal notice of the date, time, and place of the
11 hearing and the reason for the contemplated transfer. This
12 notice must advise the offender of the rights enumerated in
13 clauses (C) and (D). Notice must also be given to one (1) of
14 the following:
- 15 (i) The offender's spouse.
16 (ii) The offender's parent.
17 (iii) The offender's attorney.
18 (iv) The offender's guardian.
19 (v) The offender's custodian.
20 (vi) The offender's relative.
- 21 (B) A copy of the psychiatrist's report must be given to the
22 offender not later than at the time notice of the hearing is
23 given.
- 24 (C) The offender is entitled to appear in person, speak in his
25 own behalf, call witnesses, present documentary evidence, and
26 confront and cross-examine witnesses.
- 27 (D) The offender is entitled to be represented by counsel or
28 other representative.
- 29 (E) The offender must be given a written statement of the
30 findings of fact, the evidence relied upon, and the reasons for
31 the action taken.
- 32 (F) A finding that the offender is in need of mental health care
33 and treatment in the division of **addiction and** mental health
34 **services** or a mental health facility must be based upon clear
35 and convincing evidence.
- 36 (b) If the official in charge of the facility or program to which the
37 offender is assigned determines that emergency care and treatment in
38 the division of **addiction and** mental health **services** or a mental health

1 facility is necessary to control a mentally ill offender who is either
2 gravely disabled or dangerous, that offender may be involuntarily
3 transferred, subject to the approval of the director of the division of
4 **addiction and mental health services**, before holding the hearing
5 described in subsection (a)(3). However, this subsection does not
6 deprive the offender of his right to a hearing.

7 (c) The official in charge of the division of **addiction and** mental
8 health **services** or facility to which an offender is transferred under this
9 section must give the offender a semiannual written report, based on a
10 psychiatrist's examination, concerning his mental condition and the
11 need for continued care and treatment in the division of **addiction and**
12 mental health **services** or facility. If the report states that the offender
13 is still in need of care and treatment in the division of **addiction and**
14 mental health **services** or a mental health facility, the division of
15 **addiction and** mental health **services** or facility shall, upon request of
16 the offender or a representative in his behalf, conduct a hearing to
17 review the need for that continued care and treatment. The hearing
18 must comply with the minimum standards established by subsection
19 (a)(3). The division of **addiction and** mental health **services** or facility
20 to which the offender is transferred under this section may conduct a
21 hearing under this subsection upon its initiative.

22 (d) If the division of **addiction and** mental health **services** or
23 facility to which an offender is transferred under this section
24 determines that the offender no longer needs care and treatment in the
25 division of **addiction and** mental health **services** or facility, the
26 division of **addiction and** mental health **services** or facility shall return
27 the offender to the custody of the department of correction, and the
28 department of correction shall reassign the offender to another facility
29 or program.

30 SECTION 16. IC 11-10-4-4 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) An offender who
32 believes the offender to be mentally ill and in need of care and
33 treatment in the division of **addiction and** mental health **services** or a
34 mental health facility shall, at the offender's request for transfer, be
35 examined by a psychiatrist employed or retained by the department of
36 correction, who shall report the psychiatrist's findings to the department
37 of correction. If the report states that the offender is mentally ill and in
38 need of care and treatment in the division of **addiction and** mental

1 health **services** or a mental health facility, the department of correction
 2 shall transfer the offender to the division of **addiction and** mental
 3 health **services**, subject to the approval of the director of the division
 4 of **addiction and** mental health **services**, or to a mental health facility.
 5 If the department of correction intends to transfer an offender to the
 6 division of **addiction and** mental health **services**, the department of
 7 correction shall transmit a copy of the psychiatrist's report to the
 8 division of **addiction and** mental health **services**.

9 (b) Section 3(c) and 3(d) of this chapter apply to transfers under this
 10 section.

11 SECTION 17. IC 11-10-4-5 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. A transfer under this
 13 chapter does not extend an offender's term of imprisonment or
 14 commitment. However, if it is determined that an offender transferred
 15 under this chapter will be in need of mental health care and treatment
 16 after the offender's term of imprisonment or commitment ends, the
 17 division of **addiction and** mental health **services** or facility to which
 18 the offender was transferred may institute commitment proceedings
 19 under IC 12-26.

20 SECTION 18. IC 11-10-4-8 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. Whenever an
 22 offender sentenced under IC 35-36-2-5 is committed to the department
 23 of correction, the department of correction shall immediately inform
 24 the division of **addiction and** mental health **services** of the
 25 commitment and provide the division of **addiction and** mental health
 26 **services** with a copy of the evaluation made by the department of
 27 correction under IC 11-10-1-2.

28 SECTION 19. IC 12-7-2-38 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 38. "Community
 30 mental health center" means a program of services that meets the
 31 following conditions:

32 (1) Is approved by the division of **addiction and** mental health
 33 **services**.

34 (2) Is organized for the purpose of providing multiple services for
 35 persons with mental illness or a chronic addictive disorder.

36 (3) Is operated by one (1) of the following or any combination of
 37 the following:

38 (A) A city, a town, a county, or another political subdivision

- 1 of Indiana.
- 2 (B) An agency of the state.
- 3 (C) An agency of the United States.
- 4 (D) A political subdivision of another state.
- 5 (E) A hospital owned or operated by a unit of government
- 6 described in clauses (A) through (D).
- 7 (F) A building authority organized for the purpose of
- 8 constructing facilities to be leased to units of government.
- 9 (G) A corporation incorporated under IC 23-7-1.1 (before its
- 10 repeal August 1, 1991) or IC 23-17.
- 11 (H) A nonprofit corporation incorporated in another state.
- 12 (I) A university or college.

13 SECTION 20. IC 12-7-2-64 IS AMENDED TO READ AS

14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 64. "Director" refers to

15 the following:

- 16 (1) With respect to a particular division, the director of the
- 17 division.
- 18 (2) With respect to a particular state institution, the director who
- 19 has administrative control of and responsibility for the state
- 20 institution.
- 21 (3) For purposes of IC 12-10-15, the term refers to the director of
- 22 the division of disabilities, aging, and rehabilitative services.
- 23 (4) For purposes of IC 12-25, the term refers to the director of the
- 24 division of **addiction and mental health services**.
- 25 (5) For purposes of IC 12-26, the term:
- 26 (A) refers to the director who has administrative control of and
- 27 responsibility for the appropriate state institution; and
- 28 (B) includes the director's designee.
- 29 (6) If subdivisions (1) through (5) do not apply, the term refers to
- 30 the director of any of the divisions.

31 SECTION 21. IC 12-7-2-69 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 69. (a) "Division",

33 except as provided in subsections (b) and (c), refers to any of the

34 following:

- 35 (1) The division of disability, aging, and rehabilitative services
- 36 established by IC 12-9-1-1.
- 37 (2) The division of family and children established by
- 38 IC 12-13-1-1.

- 1 (3) The division of **addiction and** mental health **services**
2 established by IC 12-21-1-1.
- 3 (b) The term refers to the following:
- 4 (1) For purposes of the following statutes, the division of
5 disability, aging, and rehabilitative services established by
6 IC 12-9-1-1:
- 7 (A) IC 12-9.
8 (B) IC 12-10.
9 (C) IC 12-11.
10 (D) IC 12-12.
- 11 (2) For purposes of the following statutes, the division of family
12 and children established by IC 12-13-1-1:
- 13 (A) IC 12-13.
14 (B) IC 12-14.
15 (C) IC 12-15.
16 (D) IC 12-16.
17 (E) IC 12-17.
18 (F) IC 12-17.2.
19 (G) IC 12-17.4.
20 (H) IC 12-18.
21 (I) IC 12-19.
22 (J) IC 12-20.
- 23 (3) For purposes of the following statutes, the division of
24 **addiction and** mental health **services** established by
25 IC 12-21-1-1:
- 26 (A) IC 12-21.
27 (B) IC 12-22.
28 (C) IC 12-23.
29 (D) IC 12-25.
- 30 (c) With respect to a particular state institution, the term refers to
31 the division whose director has administrative control of and
32 responsibility for the state institution.
- 33 (d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term
34 refers to the division whose director has administrative control of and
35 responsibility for the appropriate state institution.
- 36 SECTION 22. IC 12-7-2-127 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 127. (a) "Managed care
38 provider", for purposes of IC 12-14-1 through IC 12-14-9 and IC 12-15

- 1 (except IC 12-15-21, IC 12-15-33, and IC 12-15-34) means either of
 2 the following:
- 3 (1) A physician licensed under IC 25-22.5 who:
- 4 (A) is primarily engaged in general practice, family practice,
 5 internal medicine, pediatric medicine, or obstetrics and
 6 gynecology; and
- 7 (B) has entered into a provider agreement for the provision of
 8 physician services under IC 12-15-11-4.
- 9 (2) A partnership, corporation, or other entity that:
- 10 (A) employs or contracts with physicians licensed under
 11 IC 25-22.5 who are primarily engaged in general practice,
 12 family practice, internal medicine, pediatric medicine, or
 13 obstetrics and gynecology; and
- 14 (B) has entered into a provider agreement for the provision of
 15 physician services under IC 12-15-11-4.
- 16 (b) "Managed care provider", for purposes of IC 12-21-1 through
 17 IC 12-29-2, means an organization:
- 18 (1) that:
- 19 (A) for mental health services, is defined under 42 U.S.C.
 20 300x-2(c); or
- 21 (B) provides addiction services;
- 22 (2) that has entered into a provider agreement with the division of
 23 **addiction and mental health services** under IC 12-21-2-7 to
 24 provide a continuum of care in the least restrictive, most
 25 appropriate setting; and
- 26 (3) that is operated by at least one (1) of the following:
- 27 (A) A city, town, county, or other political subdivision of
 28 Indiana.
- 29 (B) An agency of Indiana or of the United States.
- 30 (C) A political subdivision of another state.
- 31 (D) A hospital owned or operated by:
- 32 (i) a unit of government; or
- 33 (ii) a building authority that is organized for the purpose of
 34 constructing facilities to be leased to units of government.
- 35 (E) A corporation incorporated under IC 23-7-1.1 (before its
 36 repeal August 1, 1991) or IC 23-17.
- 37 (F) A nonprofit corporation incorporated in another state.
- 38 (G) A university or college.

1 SECTION 23. IC 12-7-2-151 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 151. "Psychiatric
 3 hospital", for purposes of section 82 of this chapter, means any of the
 4 following:

5 (1) A state institution.

6 (2) A general hospital:

7 (A) licensed by the state department of health; and

8 (B) that maintains and operates facilities for the observation,
 9 care, treatment, and detention of individuals who are mentally
 10 ill.

11 (3) A private psychiatric hospital licensed by the division of
 12 **addiction and mental health services**.

13 SECTION 24. IC 12-7-2-175 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 175. "Service
 15 provider", for purposes of IC 12-27, means any of the following:

16 (1) A state institution.

17 (2) A private psychiatric hospital licensed under IC 12-25.

18 (3) A community mental health center.

19 (4) A community mental retardation and other developmental
 20 disabilities center.

21 (5) A service provider certified by the division of **addiction and**
 22 **mental health services** to provide substance abuse treatment
 23 programs.

24 (6) A service provider or program receiving money from or
 25 through a division.

26 (7) Any other service provider, hospital, clinic, program, agency,
 27 or private practitioner if the individual receiving mental health
 28 services or developmental training was admitted without the
 29 individual's consent.

30 (8) A managed care provider (as defined in IC 12-7-2-127(b)).".

31 Page 1, between lines 8 and 9, begin a new paragraph and insert:

32 "SECTION 27. IC 12-8-2-3 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Unless otherwise
 34 provided by a statute, this chapter applies to the following:

35 (1) The family and social services committee established by
 36 IC 12-8-3-2.

37 (2) The following advisory councils:

38 (A) The division of disability, aging, and rehabilitative

- 1 services advisory council.
- 2 (B) The division of family and children advisory council.
- 3 (C) The division of **addiction and** mental health **services**
- 4 advisory council.
- 5 (3) A body:
- 6 (A) established by statute for a division; and
- 7 (B) whose enabling statute makes this chapter applicable to
- 8 the body.".

9 Page 1, between lines 11 and 12, begin a new paragraph and insert:
 10 "SECTION 29. IC 12-8-6-7 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The office and the
 12 division of **addiction and** mental health **services** shall develop a
 13 written memorandum of understanding that provides the following:

- 14 (1) Program responsibilities for the provision of care and
- 15 treatment for mentally ill individuals.
- 16 (2) Responsibilities to educate and inform vendors of the proper
- 17 billing procedures.
- 18 (3) Responsibilities in administering the state plan.
- 19 (4) Responsibilities for Medicaid fiscal and quality accountability
- 20 and audits for mental health services.
- 21 (5) That the division shall recommend options and services to be
- 22 reimbursed under the state plan.
- 23 (6) That the office and the division agree that, within the limits of
- 24 42 U.S.C. 1396 et seq., mentally ill individuals cannot be
- 25 excluded from services on the basis of diagnosis unless these
- 26 services are otherwise provided and reimbursed under the state
- 27 plan.
- 28 (7) That the office shall seek review and comment from the
- 29 division before the adoption of rules or standards that may affect
- 30 the service, programs, or providers of medical assistance services
- 31 for the mentally ill.
- 32 (8) That the division shall develop rate setting policies for
- 33 medical assistance services for the mentally ill.
- 34 (9) Policies to facilitate communication between the office and
- 35 the division.
- 36 (10) Any additional provisions that enhance communication
- 37 between the office and the division or facilitate more efficient or
- 38 effective delivery of mental health services.".

- 1 Page 1, after line 17, begin a new paragraph and insert:
 2 "SECTION 32. IC 12-8-10-1 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies
 4 only to the indicated money of the following state agencies to the extent
 5 that the money is used by the agency to obtain services from grantee
 6 agencies to carry out the program functions of the agency:
- 7 (1) Money appropriated or allocated to a state agency from money
 8 received by the state under the Social Services Block Grant Act
 9 (42 U.S.C. 1397 et seq.).
 - 10 (2) The division of disability, aging, and rehabilitative services,
 11 except this chapter does not apply to money expended under the
 12 following:
 - 13 (A) The following statutes, unless application of this chapter
 14 is required by another subdivision of this section:
 - 15 (i) IC 12-10-6.
 - 16 (ii) IC 12-10-12.
 - 17 (B) Epilepsy services.
 - 18 (3) The division of family and children, for money expended
 19 under the following:
 - 20 (A) The following statutes:
 - 21 (i) IC 12-14-10.
 - 22 (ii) IC 12-14-11.
 - 23 (iii) IC 12-14-12.
 - 24 (B) The following programs:
 - 25 (i) The child development associate scholarship program.
 - 26 (ii) The dependent care program.
 - 27 (iii) Migrant day care.
 - 28 (iv) The youth services bureau.
 - 29 (v) The project safe program.
 - 30 (vi) The commodities program.
 - 31 (vii) The migrant nutrition program.
 - 32 (viii) Any emergency shelter program.
 - 33 (ix) The energy weatherization program.
 - 34 (x) Programs for individuals with developmental disabilities.
 - 35 (4) The state department of health, for money expended under the
 36 following statutes:
 - 37 (A) IC 16-19-10.
 - 38 (B) IC 16-38-3.

- 1 (5) The group.
- 2 (6) All state agencies, for any other money expended for the
- 3 purchase of services if all the following apply:
- 4 (A) The purchases are made under a contract between the state
- 5 agency and the office of the secretary.
- 6 (B) The contract includes a requirement that the office of the
- 7 secretary perform the duties and exercise the powers described
- 8 in this chapter.
- 9 (C) The contract is approved by the budget agency.
- 10 (7) The division of **addiction and** mental health **services**.
- 11 SECTION 33. IC 12-10-5-3 IS AMENDED TO READ AS
- 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The task force
- 13 consists of thirteen (13) voting and four (4) nonvoting members as
- 14 follows:
- 15 (1) Two (2) representatives of an Alzheimer's disease or related
- 16 senile dementia support organization.
- 17 (2) Five (5) individuals with expertise in Alzheimer's disease or
- 18 related senile dementia, including at least:
- 19 (A) one (1) physician with an unlimited license to practice
- 20 medicine under IC 25-22.5; and
- 21 (B) one (1) psychologist with a license to practice psychology
- 22 under IC 25-33.
- 23 (3) Two (2) health care providers that provide services to persons
- 24 with Alzheimer's disease or related senile dementia.
- 25 (4) One (1) individual whose parent, spouse, brother, or sister is
- 26 or was afflicted with Alzheimer's disease or related senile
- 27 dementia.
- 28 (5) The commissioner of the state department of health or the
- 29 commissioner's designee.
- 30 (6) The director or the director's designee.
- 31 (7) One (1) representative of the division of **addiction and** mental
- 32 health **services**.
- 33 (8) Two (2) members of the house of representatives appointed by
- 34 the speaker of the house of representatives. The members
- 35 appointed under this subdivision:
- 36 (A) may not be members of the same political party; and
- 37 (B) serve as nonvoting ex officio members of the task force.
- 38 (9) Two (2) members of the senate appointed by the president pro

1 tempore of the senate. The members appointed under this
2 subdivision:

3 (A) may not be members of the same political party; and

4 (B) serve as nonvoting ex officio members of the task force.

5 (b) The members of the task force designated by subsection (a)(1)
6 through (a)(4) shall be appointed by the governor.

7 SECTION 34. IC 12-10-6-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An individual
9 who is incapable of residing in the individual's own home may apply
10 for residential care assistance under this section. The determination of
11 eligibility for residential care assistance is the responsibility of the
12 division. Except as provided in subsections (f) and (h), an individual is
13 eligible for residential care assistance if the division determines that the
14 individual:

15 (1) is a recipient of Medicaid or the federal Supplemental Security
16 Income program;

17 (2) is incapable of residing in the individual's own home because
18 of dementia, mental illness, or a physical disability;

19 (3) requires a degree of care less than that provided by a health
20 care facility licensed under IC 16-28; and

21 (4) can be adequately cared for in a residential care setting.

22 (b) Individuals suffering from mental retardation may not be
23 admitted to a home or facility that provides residential care under this
24 section.

25 (c) A service coordinator employed by the division may:

26 (1) evaluate a person seeking admission to a home or facility
27 under subsection (a); or

28 (2) evaluate a person who has been admitted to a home or facility
29 under subsection (a), including a review of the existing
30 evaluations in the person's record at the home or facility.

31 If the service coordinator determines the person evaluated under this
32 subsection is mentally retarded, the service coordinator may
33 recommend an alternative placement for the person.

34 (d) Except as provided in section 5 of this chapter, residential care
35 consists of only room, board, and laundry, along with minimal
36 administrative direction. State financial assistance may be provided for
37 such care in a boarding or residential home of the applicant's choosing
38 that is licensed under IC 16-28 or a Christian Science facility listed and

1 certified by the Commission for Accreditation of Christian Science
2 Nursing Organizations/Facilities, Inc., that meets certain life safety
3 standards considered necessary by the state fire marshal. Payment for
4 such care shall be made to the provider of the care according to
5 division directives and supervision. The amount of nonmedical
6 assistance to be paid on behalf of a recipient living in a boarding home,
7 residential home, or Christian Science facility shall be based on the
8 daily rate established by the division. The rate for facilities that are
9 referred to in this section and licensed under IC 16-28 may not exceed
10 an upper rate limit established by a rule adopted by the division. The
11 recipient may retain from the recipient's income a personal allowance
12 in an amount to be established by the division, but not less than
13 twenty-eight dollars and fifty cents (\$28.50) or more than thirty-five
14 dollars (\$35) monthly. This amount is exempt from income eligibility
15 consideration by the division and may be exclusively used by the
16 recipient for the recipient's personal needs. However, if the recipient's
17 income is less than the amount of the personal allowance, the division
18 shall pay to the recipient the difference between the amount of the
19 personal allowance and the recipient's income. A reserve or an
20 accumulated balance from such a source, together with other sources,
21 may not be allowed to exceed the state's resource allowance allowed for
22 adults eligible for state supplemental assistance or Medicaid as
23 established by the rules of the office of Medicaid policy and planning.

24 (e) In addition to the amount that may be retained as a personal
25 allowance under this section, an individual shall be allowed to retain
26 an amount equal to the individual's state and local income tax liability.
27 The amount that may be retained during a month may not exceed
28 one-third (1/3) of the individual's state and local income tax liability for
29 the calendar quarter in which that month occurs. This amount is
30 exempt from income eligibility consideration by the division. The
31 amount retained shall be used by the individual to pay any state or local
32 income taxes owed.

33 (f) The rate of payment to the provider shall be determined in
34 accordance with a prospective prenegotiated payment rate predicated
35 on a reasonable cost related basis, with a growth of profit factor, as
36 determined in accordance with generally accepted accounting
37 principles and methods, and written standards and criteria, as
38 established by the division. The division shall establish an

1 administrative appeal procedure to be followed if rate disagreement
 2 occurs if the provider can demonstrate to the division the necessity of
 3 costs in excess of the allowed or authorized fee for the specific
 4 boarding or residential home. The amount may not exceed the
 5 maximum established under subsection (d).

6 (g) The personal allowance for one (1) month for an individual
 7 described in subsection (a) whose employment is part of the
 8 individual's personal habilitation plan or who is working in a sheltered
 9 workshop or day activity center is the amount that an individual would
 10 be entitled to retain under subsection (d) plus an amount equal to
 11 one-half (1/2) of the remainder of:

- 12 (1) gross earned income for that month; minus
- 13 (2) the sum of:
 - 14 (A) sixteen dollars (\$16); plus
 - 15 (B) the amount withheld from the person's paycheck for that
 - 16 month for payment of state income tax, federal income tax,
 - 17 and the tax prescribed by the federal Insurance Contribution
 - 18 Act (26 U.S.C. 3101 et seq.); plus
 - 19 (C) transportation expenses for that month.

20 (h) An individual who, before September 1, 1983, has been admitted
 21 to a home or facility that provides residential care under this section is
 22 eligible for residential care in the home or facility.

23 (i) The director of the division may contract with the division of
 24 **addiction and** mental health **services** or the division of disability,
 25 aging, and rehabilitative services to purchase services for individuals
 26 suffering from mental illness or a developmental disability by
 27 providing money to supplement the appropriation for community
 28 residential care programs established under IC 12-22-2 or community
 29 residential programs established under IC 12-11-1-1.

30 (j) A person with a mental illness may not be placed in a Christian
 31 Science facility listed and certified by the Commission for
 32 Accreditation of Christian Science Nursing Organizations/Facilities,
 33 Inc., unless the facility is licensed under IC 16-28.

34 SECTION 35. IC 12-10-6-5 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) An individual
 36 who is determined as disabled under section 2(a)(2) of this chapter
 37 because of mental illness may be admitted to a home or facility that
 38 provides residential care to the extent that money is available for the

1 care.

2 (b) Within thirty (30) days after a mentally ill individual is placed
3 in a home or facility that provides residential care, a comprehensive
4 care plan must be developed for the individual.

5 (c) The residential care facility, in cooperation with the community
6 mental health center or an individual's managed care provider (as
7 defined in IC 12-7-2-127(b)) serving the area in which the residential
8 care facility is located, shall develop the comprehensive care plan for
9 the individual. The plan must include the following:

10 (1) Psychosocial rehabilitation services that are provided within
11 the community.

12 (2) A comprehensive range of activities to meet multiple levels of
13 need, including the following:

14 (A) Recreational and socialization activities.

15 (B) Social skills.

16 (C) Educational, training, occupational, and work programs.

17 (D) Opportunities for progression into less restrictive and
18 more independent living arrangements.

19 (3) Appropriate alternate placement if the individual's needs
20 cannot be met by the facility.

21 (d) The health facilities council shall, in coordination with the
22 division of **addiction and** mental health **services** and the division,
23 adopt rules under IC 4-22-2 to govern:

24 (1) residential care; and

25 (2) the comprehensive care plan;

26 provided to individuals suffering from mental illness who reside under
27 this chapter in a home or facility that provides residential care.

28 SECTION 36. IC 12-10-12-12 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) The activities
30 of the screening team must be conducted under uniform rules adopted
31 under IC 4-22-2 by the director of the division.

32 (b) The rules must be developed in cooperation with the division of
33 **addiction and** mental health **services** and the office.

34 SECTION 37. IC 12-11-2-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The division of
36 **addiction and** mental health **services** and the division shall enter into
37 a memorandum of understanding concerning referrals to a service
38 coordinator of individuals with developmental disabilities discharged

1 from or on an outpatient status from a state institution operated by the
2 division of **addiction and mental health services**.

3 SECTION 38. IC 12-11-5-6 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. So that the funds
5 authorized by this chapter may be used to the best advantage for the
6 benefit of persons with multiple disabilities, the budget agency, upon
7 concurrent recommendations of the director of the division of
8 **addiction and mental health services** and the director of the division
9 of disability, aging, and rehabilitative services, may transfer funds
10 authorized by this chapter from one (1) division to the other.

11 SECTION 39. IC 12-11-7-6 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The comprehensive
13 plan required by section 5(3) of this chapter must include an
14 interagency cooperation agreement among the following:

- 15 (1) The department of education.
- 16 (2) The division of **addiction and mental health services**.
- 17 (3) The division of family and children.
- 18 (4) The division.
- 19 (5) Any other appropriate agencies.

20 SECTION 40. IC 12-11-7-7 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The following shall
22 cooperate with the commission and each other in developing and
23 updating the comprehensive plan required by section 5(3) of this
24 chapter and in developing and complying with the interagency
25 cooperation agreement required by section 6 of this chapter:

- 26 (1) The department of education.
- 27 (2) The division of **addiction and mental health services**.
- 28 (3) The division of family and children.
- 29 (4) The division.
- 30 (5) Any other appropriate agencies.

31 SECTION 41. IC 12-11-8-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The institute for
33 autism in cooperation with the appropriate state agencies shall do the
34 following:

- 35 (1) Provide informational services about autism.
- 36 (2) Provide an information system for services provided to
37 individuals with autism and their families by federal, state, local,
38 and private agencies.

- 1 (3) Develop a data base from information received by the
 2 division, the division of **addiction and mental health services**, the
 3 department of education, and the state department of health
 4 relative to the services provided to autistic individuals and their
 5 families.
- 6 (4) Offer training and technical assistance to providers of services
 7 and families of individuals with autism.
- 8 (5) Research methods for assessing, planning, implementing, and
 9 evaluating programs for individuals with autism and their
 10 families.
- 11 (6) Develop model curricula and resource materials for providers
 12 of services and families of individuals with autism.
- 13 (7) Conduct one (1) time every three (3) years a statewide needs
 14 assessment study designed to determine the following:
- 15 (A) The status of services provided to autistic individuals and
 16 their families.
- 17 (B) The need for additional or alternative services for autistic
 18 individuals and their families.
- 19 (b) The institute for autism shall deliver to the general assembly the
 20 results of the needs assessment study required by subsection (a)(7)
 21 before December 1 of each year in which the study is conducted.
- 22 SECTION 42. IC 12-11-10-5 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. Services to support
 24 families of persons with disabilities and persons with disabilities may
 25 include services available within the division of family and children,
 26 the division of aging and rehabilitative services, the division of
 27 **addiction and mental health services**, the department of health, the
 28 department of education, the department of workforce development,
 29 and the department of corrections, including case management and
 30 service coordination.
- 31 SECTION 43. IC 12-13-12-3 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The commission
 33 consists of nineteen (19) members appointed as follows:
- 34 (1) Two (2) members of the senate, who are not members of the
 35 same political party, appointed by the president pro tempore of
 36 the senate with the advice of the minority leader of the senate.
- 37 (2) Two (2) members of the house of representatives, who are not
 38 members of the same political party, appointed by the speaker of

- 1 the house of representatives with the advice of the minority leader
 2 of the house of representatives.
- 3 (3) The director of the division of family and children or the
 4 director's designee.
- 5 (4) The director of the division of **addiction and** mental health
 6 **services** or the director's designee.
- 7 (5) The commissioner of the state department of health or the
 8 commissioner's designee.
- 9 (6) The superintendent of public instruction or the
 10 superintendent's designee.
- 11 (7) The commissioner of the department of correction or the
 12 commissioner's designee.
- 13 (8) The director of the civil rights commission or the director's
 14 designee.
- 15 (9) The commissioner of the department of administration or the
 16 commissioner's designee.
- 17 (10) The director of the department of commerce or the director's
 18 designee.
- 19 (11) A minority business person, appointed by the governor.
- 20 (12) Three (3) persons appointed by the president pro tempore of
 21 the senate who are not members of the general assembly. Not
 22 more than two (2) of the persons appointed under this subdivision
 23 may be members of the same political party.
- 24 (13) Three (3) persons appointed by the speaker of the house of
 25 representatives who are not members of the general assembly. Not
 26 more than two (2) of the persons appointed under this subdivision
 27 may be members of the same political party.
- 28 SECTION 44. IC 12-15-18-5.1 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5.1. (a) For state fiscal
 30 years ending on or after June 30, 1998, the trustees and each municipal
 31 health and hospital corporation established under IC 16-22-8-6 are
 32 authorized to make intergovernmental transfers to the Medicaid
 33 indigent care trust fund in amounts to be determined jointly by the
 34 office and the trustees, and the office and each municipal health and
 35 hospital corporation.
- 36 (b) The treasurer of state shall annually transfer from appropriations
 37 made for the division of **addiction and** mental health **services**
 38 sufficient money to provide the state's share of payments under

1 IC 12-15-16-6(c)(5).

2 (c) The office shall coordinate the transfers from the trustees and
3 each municipal health and hospital corporation established under
4 IC 16-22-8-6 so that the aggregate intergovernmental transfers, when
5 combined with federal matching funds:

6 (1) produce payments to each hospital licensed under IC 16-21
7 that qualifies as an enhanced disproportionate share provider
8 under IC 12-15-16-1(b); and

9 (2) both individually and in the aggregate do not exceed limits
10 prescribed by the United States Health Care Financing
11 Administration.

12 The trustees and a municipal health and hospital corporation are not
13 required to make intergovernmental transfers under this section. The
14 trustees and a municipal health and hospital corporation may make
15 additional transfers to the Medicaid indigent care trust fund to the
16 extent necessary to make additional payments from the Medicaid
17 indigent care trust fund apply to a prior federal fiscal year as provided
18 in IC 12-15-19-1(c).

19 (d) A municipal disproportionate share provider (as defined in
20 IC 12-15-16-1(c)) shall transfer to the Medicaid indigent care trust
21 fund an amount determined jointly by the office and the municipal
22 disproportionate share provider. A municipal disproportionate share
23 provider is not required to make intergovernmental transfers under this
24 section. A municipal disproportionate share provider may make
25 additional transfers to the Medicaid indigent care trust fund to the
26 extent necessary to make additional payments from the Medicaid
27 indigent care trust fund apply to a prior federal fiscal year as provided
28 in IC 12-15-19-1(c).

29 (e) A county treasurer making a payment under IC 12-29-1-7(b) or
30 from other county sources to a community mental health center
31 qualifying as a community mental health center disproportionate share
32 provider shall certify that the payment represents expenditures that are
33 eligible for federal financial participation under 42 U.S.C.
34 1396b(w)(6)(A) and 42 CFR 433.51. The office shall assist a county
35 treasurer in making this certification.

36 SECTION 45. IC 12-15-33-6 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The following shall
38 serve as ex officio members of the committee:

1 (1) The state health commissioner or the commissioner's
2 designee.

3 (2) The director of the division of **addiction and** mental health
4 **services** or the director's designee.

5 (3) The administrator of the office.

6 SECTION 46. IC 12-16-1-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
8 chapter, "affected agency" means any of the following:

9 (1) The department of correction.

10 (2) The state department of health.

11 (3) The division of **addiction and** mental health **services**.

12 (4) The division of disability, aging, and rehabilitative services.

13 SECTION 47. IC 12-16-2-5 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The hospital care for
15 the indigent program does not apply to inmates and patients of
16 institutions of the department of correction, the state department of
17 health, the division of **addiction and** mental health **services**, or the
18 division of disability, aging, and rehabilitative services.

19 SECTION 48. IC 12-16-10-1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The division shall,
21 with the advice of the division's medical staff, the division of **addiction**
22 **and** mental health **services**, the division of disability, aging, and
23 rehabilitative services, and other individuals selected by the director of
24 the division, adopt rules under IC 4-22-2 to do the following:

25 (1) Provide for review and approval of services paid under the
26 hospital care for the indigent program.

27 (2) Establish limitations consistent with medical necessity on the
28 duration of services to be provided.

29 (3) Specify the amount of and method for reimbursement for
30 services.

31 (4) Specify the conditions under which payments will be denied
32 and improper payments will be recovered.

33 SECTION 49. IC 12-17-15-1 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
35 chapter, "agency" means a department, a commission, a council, a
36 board, a bureau, a division, a service, an office, or an administration
37 that is responsible for providing services to infants and toddlers with
38 disabilities and their families, including the following:

- 1 (1) The division of **addiction and** mental health **services**.
- 2 (2) The state department of health.
- 3 (3) The division of family and children.
- 4 (4) The division of disability, aging, and rehabilitative services.
- 5 (5) The department of education.

6 SECTION 50. IC 12-17.2-1-1 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This article does not
 8 apply to the following:

- 9 (1) A child care center or child care home licensed or operated by
 10 any of the following:
 - 11 (A) Programs for children in grades kindergarten through 12
 12 that are operated under the authority of the department of
 13 education or that are operated with the assistance of the
 14 department of education.
 - 15 (B) The division of **addiction and** mental health **services**.
 - 16 (C) The state department of health.
 - 17 (D) The department of correction.
- 18 (2) A county jail or detention center.

19 SECTION 51. IC 12-17.2-2-2 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The division may do
 21 the following:

- 22 (1) Prescribe forms for reports, statements, notices, and other
 23 documents required by this article or by the rules adopted under
 24 this article.
- 25 (2) Increase public awareness of this article and the rules adopted
 26 under this article by preparing and publishing manuals and guides
 27 explaining this article and the rules adopted under this article.
- 28 (3) Facilitate compliance with and enforcement of this article
 29 through the publication of materials under subdivision (2).
- 30 (4) Prepare reports and studies to advance the purpose of this
 31 article.
- 32 (5) Seek the advice and recommendations of state agencies whose
 33 information and knowledge would be of assistance in writing,
 34 revising, or monitoring rules developed under this article. These
 35 agencies, including the office of the attorney general, state
 36 department of health, division of **addiction and** mental health
 37 **services**, bureau of criminal identification and investigation, and
 38 fire prevention and building safety commission, shall upon

- 1 request supply necessary information to the division.
- 2 (6) Make the directory of licensees available to the public for a
- 3 charge not to exceed the cost of reproducing the directory.
- 4 (7) Charge a reasonable processing fee for each license
- 5 application and renewal as follows:
- 6 (A) For a child care center license, a fee of two dollars (\$2) per
- 7 licensed child capacity.
- 8 (B) For a child care center new inquiry application packet, a
- 9 fee not to exceed five dollars (\$5).
- 10 (C) For a child care home license new inquiry application
- 11 packet, a fee not to exceed five dollars (\$5).
- 12 (D) For a child care home annual inspection, a fee not to
- 13 exceed twenty-five dollars (\$25).
- 14 (8) Exercise any other regulatory and administrative powers
- 15 necessary to carry out the functions of the division.

16 SECTION 52. IC 12-17.4-1-1 IS AMENDED TO READ AS

17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This article does not

18 apply to the following:

- 19 (1) A child caring institution, foster family home, group home, or
- 20 child placing agency licensed or operated by any of the following:
- 21 (A) Programs for children in grades kindergarten through 12
- 22 that are operated under the authority of the department of
- 23 education or that are operated with the assistance of the
- 24 department of education.
- 25 (B) The division of **addiction and mental health services**.
- 26 (C) The state department of health.
- 27 (D) The department of correction.
- 28 (2) A person who has received a child for adoption from a
- 29 licensed child placement agency.
- 30 (3) A county jail or detention center.

31 SECTION 53. IC 12-17.4-2-2 IS AMENDED TO READ AS

32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The division may do

33 the following:

- 34 (1) Prescribe forms for reports, statements, notices, and other
- 35 documents required by this article or by the rules adopted under
- 36 this article.
- 37 (2) Increase public awareness of this article and the rules adopted
- 38 under this article by preparing and publishing manuals and guides

- 1 explaining this article and the rules adopted under this article.
- 2 (3) Facilitate compliance with and enforcement of this article
- 3 through the publication of materials under subdivision (2).
- 4 (4) Prepare reports and studies to advance the purpose of this
- 5 article.
- 6 (5) Seek the advice and recommendations of state agencies whose
- 7 information and knowledge would be of assistance in writing,
- 8 revising, or monitoring rules developed under this article. These
- 9 agencies, including the office of the attorney general, state
- 10 department of health, division of **addiction and** mental health
- 11 **services**, bureau of criminal identification and investigation, and
- 12 fire prevention and building safety commission, shall upon
- 13 request supply necessary information to the division.
- 14 (6) Make the directory of licensees available to the public for a
- 15 charge not to exceed the cost of reproducing the directory.
- 16 (7) Charge a reasonable processing fee for each license
- 17 application and renewal as follows:
- 18 (A) For a child caring institution or group home license, a fee
- 19 not to exceed three dollars (\$3) for each licensed bed based on
- 20 total licensed bed capacity not to exceed a maximum fee of
- 21 one hundred fifty dollars (\$150).
- 22 (B) For a child placing agency license, a fee not to exceed fifty
- 23 dollars (\$50).
- 24 (8) Exercise any other regulatory and administrative powers
- 25 necessary to carry out the functions of the division.
- 26 SECTION 54. IC 12-21-1-1 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The division of
- 28 **addiction and** mental health **services** is established to apply the
- 29 division's resources to ensure that Indiana citizens have access to
- 30 appropriate mental health and addiction services that promote
- 31 individual self-sufficiency.
- 32 SECTION 55. IC 12-21-1-3 IS AMENDED TO READ AS
- 33 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The division is
- 34 composed of the following:
- 35 (1) The director.
- 36 (2) The division of **addiction and** mental health **services** advisory
- 37 council.
- 38 (3) Other personnel necessary for the performance of the

- 1 functions imposed upon the division under law.
- 2 SECTION 56. IC 12-21-2-8 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The director shall
- 4 develop a comprehensive system of monitoring, evaluation, and quality
- 5 assurance for the continuum of care required by this chapter.
- 6 (b) The director shall determine to whom contracts are awarded,
- 7 based on the following factors:
- 8 (1) The continuity of services a contractor provides for patients.
- 9 (2) The accessibility of a contractor's services to patients.
- 10 (3) The acceptability of a contractor's services to patients.
- 11 (4) A contractor's ability to focus services on building the
- 12 self-sufficiency of the patient.
- 13 (c) This subsection applies to the reimbursement of contract
- 14 payments to managed care providers. Payments must be determined
- 15 prospectively in accordance with generally accepted accounting
- 16 principles and actuarial principles recognizing costs incurred by
- 17 efficiently and economically operated programs that:
- 18 (1) serve mentally ill or substance abuse patients; and
- 19 (2) are subject to quality and safety standards and laws.
- 20 (d) Before entering into a contract under this section, the director
- 21 shall submit the contract to the attorney general for approval as to form
- 22 and legality.
- 23 (e) A contract under this section must do the following:
- 24 (1) Specify:
- 25 (A) the work to be performed; and
- 26 (B) the patient populations to whom services must be
- 27 provided.
- 28 (2) Provide for a reduction in funding or termination of the
- 29 contract for failure to comply with terms of the contract.
- 30 (3) Require that the contractor meet the standards set forth in
- 31 rules adopted by the division of **addiction and** mental health
- 32 **services** under IC 4-22-2.
- 33 (4) Require that the contractor participate in the division's
- 34 evaluation process.
- 35 (5) For any service for which the division chooses to contract on
- 36 a per diem basis, the per diem reimbursement shall be determined
- 37 under subsection (c) for the contractor's reasonable cost of
- 38 providing services.

1 (6) In contracts with capitated payment provisions, provide that
 2 the contractor's cost of purchasing stop-loss insurance for the
 3 patient populations to be served in amounts and with limits
 4 customarily purchased by prepaid health care plans must be:

5 (A) included in the actuarial determination of the capitated
 6 payment amounts; or

7 (B) separately paid to the contractor by the division.

8 (7) Provide that a contract for enumerated services granted by the
 9 division under this section to an approved managed care provider
 10 may not create or confer upon the managed care provider liability
 11 or responsibility for care or services beyond those services
 12 supported by the contract.

13 SECTION 57. IC 12-21-4-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
 15 chapter, "council" refers to the division of **addiction and** mental health
 16 **services** advisory council established by this chapter.

17 SECTION 58. IC 12-21-4-2 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The division of
 19 **addiction and** mental health **services** advisory council is established.

20 SECTION 59. IC 12-21-5-1.5 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.5. The division shall
 22 do the following:

23 (1) Adopt rules under IC 4-22-2 to establish and maintain criteria
 24 to determine patient eligibility and priority for publicly supported
 25 mental health and addiction services. The rules must include
 26 criteria for patient eligibility and priority based on the following:

27 (A) A patient's income.

28 (B) A patient's level of daily functioning.

29 (C) A patient's prognosis.

30 (2) Within the limits of appropriated funds, contract with a
 31 network of managed care providers to provide a continuum of
 32 care in an appropriate setting that is the least restrictive to
 33 individuals who qualify for the services.

34 (3) Require the providers of services funded directly by the
 35 division to be in good standing with an appropriate accrediting
 36 body as required by rules adopted under IC 4-22-2 by the
 37 division.

38 (4) Develop a provider profile that must be used to evaluate the

- 1 performance of a managed care provider and that may be used to
 2 evaluate other providers of mental health services that access state
 3 administered funds, including Medicaid, and other federal
 4 funding. A provider's profile must include input from consumers,
 5 citizens, and representatives of the mental health ombudsman
 6 program (IC 12-27-9) regarding the provider's:
- 7 (A) information provided to the patient on patient rights before
 8 treatment;
 - 9 (B) accessibility, acceptability, and continuity of services
 10 provided or requested; and
 - 11 (C) total cost of care per individual, using state administered
 12 funds.
- 13 (5) Ensure compliance with all other performance criteria set
 14 forth in a provider contract. In addition to the requirements set
 15 forth in IC 12-21-2-7, a provider contract must include the
 16 following:
- 17 (A) A requirement that the standards and criteria used in the
 18 evaluation of care plans be available and accessible to the
 19 patient.
 - 20 (B) A requirement that the provider involve the patient in the
 21 choice of and preparation of the treatment plan to the greatest
 22 extent feasible.
 - 23 (C) A provision encouraging the provider to intervene in a
 24 patient's situation as early as possible, balancing the patient's
 25 right to liberty with the need for treatment.
 - 26 (D) A requirement that the provider set up and implement an
 27 internal appeal process for the patient.
- 28 (6) Establish a toll free telephone number that operates during
 29 normal business hours for individuals to make comments to the
 30 division in a confidential manner regarding services or service
 31 providers.
- 32 (7) Develop a confidential system to evaluate complaints and
 33 patient appeals received by the division of **addiction and** mental
 34 health **services** and to take appropriate action regarding the
 35 results of an investigation. A managed care provider is entitled to
 36 request and to have a hearing before information derived from the
 37 investigation is incorporated into the provider's profile.
 38 Information contained within the provider profile is subject to

- 1 inspection and copying under IC 5-14-3-3.
- 2 (8) Submit a biennial report to the governor and legislative
3 council that includes an evaluation of the continuum of care.
- 4 (9) Conduct an actuarial analysis July 1, 1994, July 1, 1996, and
5 then every four (4) years beginning July 1, 2000.
- 6 (10) Annually determine sufficient rates to be paid for services
7 contracted with managed care providers who are awarded a
8 contract under IC 12-21-2-7.
- 9 (11) Take actions necessary to assure the quality of services
10 required by the continuum of care under this chapter.
- 11 (12) Incorporate the results from the actuarial analysis in
12 subdivision (9) to fulfill the responsibilities of this section.

13 SECTION 60. IC 12-22-2-11 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 11. (a) An entity may
15 not:

- 16 (1) operate a program described in IC 12-22-3; or
17 (2) hold itself out as operating;
18 (A) a program described in IC 12-22-3; or
19 (B) a group home for individuals who are mentally ill;
20 unless the entity is licensed or certified by the division of **addiction**
21 **and mental health services**.

22 (b) The division of **addiction and mental health services** shall
23 investigate a report of:

- 24 (1) an unlicensed facility housing a community residential
25 program described in section 3(1), 3(2), and 3(3) of this chapter;
26 (2) an uncertified operator of a community residential program
27 described in section 3(1), 3(2), and 3(3) of this chapter; or
28 (3) a licensed or certified entity's noncompliance with this article;
29 and report the division's findings to the attorney general.

- 30 (c) The attorney general may do the following:
31 (1) Seek the issuance of a search warrant to assist in an
32 investigation under this section.
33 (2) File an action for injunctive relief to stop the operation of a
34 facility described in subsection (b) if there is reasonable cause to
35 believe that:
36 (A) the facility or the operator community residential program
37 described in subsection (b) is operating without a required
38 license or certification; or

- 1 (B) a licensed or certified entity's actions or omissions create
 2 an immediate danger of serious bodily injury to a mentally ill
 3 individual or an imminent danger to the health of a mentally
 4 ill individual.
- 5 (3) Seek in a civil action a civil penalty of not more than one
 6 hundred dollars (\$100) a day for each day a facility is operating:
 7 (A) without a license or certification required by law; or
 8 (B) with a license or certification required under this chapter,
 9 but is not in compliance with this article, IC 12-21-2-3, or
 10 rules adopted under this article or IC 12-21-2-3.
- 11 (d) The division of **addiction and mental health services** may
 12 provide for the removal of mentally ill individuals from facilities for
 13 the mentally ill described in subsection (c).
- 14 (e) There must be an opportunity for an informal meeting with the
 15 division of **addiction and mental health services** after injunctive relief
 16 is ordered under this section.
- 17 (f) The civil penalties collected under this section must be deposited
 18 in the mental health centers fund (IC 6-7-1-32.1).
- 19 SECTION 61. IC 12-23-5-9 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. A court may not
 21 order a defendant or a convicted individual to complete an alcohol and
 22 drug services treatment program under section 2(b)(1) or 6(1) of this
 23 chapter unless the court determines that the program in which the
 24 individual is to participate is administered by a court under
 25 IC 12-23-14 or is certified by the division of **addiction and mental**
 26 **health services**.
- 27 SECTION 62. IC 12-23-7-14 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. The division may
 29 not release an offender under section 2(2) of this chapter to an alcohol
 30 and drug services treatment program that is not a program administered
 31 by a court under IC 12-23-14 or that has not complied with the
 32 certification requirements of the division of **addiction and mental**
 33 **health services**.
- 34 SECTION 63. IC 12-24-1-3 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The director of
 36 the division of **addiction and mental health services** has administrative
 37 control of and responsibility for the following state institutions:
 38 (1) Central State Hospital.

- 1 (2) Evansville State Hospital.
- 2 (3) Evansville State Psychiatric Treatment Center for Children.
- 3 (4) Larue D. Carter Memorial Hospital.
- 4 (5) Logansport State Hospital.
- 5 (6) Madison State Hospital.
- 6 (7) Richmond State Hospital.
- 7 (8) Any other state owned or operated mental health institution.

8 (b) Subject to the approval of the director of the budget agency and
 9 the governor, the director of the division of **addiction and** mental
 10 health **services** may contract for the management and clinical operation
 11 of Larue D. Carter Memorial Hospital.

12 SECTION 64. IC 12-24-1-7 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) During the
 14 closing of Central State Hospital, and after the institution is closed, the
 15 division of **addiction and** mental health **services** shall secure,
 16 maintain, and fund appropriate long term inpatient beds for individuals
 17 who have been determined by a community mental health center to:

- 18 (1) have a chronic and persistent mental disorder or chronic
 19 addictive disorder; and
- 20 (2) be in need of care that meets the following criteria:
 21 (A) Twenty-four (24) hour supervision of a patient is
 22 available.
- 23 (B) A patient receives:
 24 (i) active treatment as appropriate for a chronic and
 25 persistent mental disorder or chronic addictive disorder;
 26 (ii) case management services from a state approved
 27 provider; and
 28 (iii) maintenance of care under the direction of a physician.
- 29 (C) Crisis care.

30 (b) An individual placed in a long term inpatient bed under this
 31 section shall receive at least the care described in subsection (a)(2)(A)
 32 through (a)(2)(C).

33 (c) The number of long term inpatient beds that must be secured,
 34 maintained, and funded under subsection (a) must satisfy both of the
 35 following:

- 36 (1) The number of long term inpatient beds in the county where
 37 the hospital was located may not be less than twenty-one (21)
 38 adults per one hundred thousand (100,000) adults in the county

- 1 where the hospital was located.
- 2 (2) The total number of long term inpatient beds may not be less
3 than twenty-one (21) adults per one hundred thousand (100,000)
4 adults in the catchment area served by Central State Hospital. The
5 division may reduce the total number of long term inpatient beds
6 required by this subdivision whenever the division determines
7 that caseloads justify a reduction. However:
- 8 (A) the total number of long term inpatient beds may not be
9 reduced below the number required by subdivision (1); and
10 (B) the number of long term inpatient beds in the county
11 where the hospital was located may not be reduced below the
12 number required by subdivision (1).
- 13 (d) The division is not required to secure, maintain, and fund long
14 term inpatient beds under this section that exceed the number of
15 individuals who have been determined by a community mental health
16 center to be in need of inpatient care under subsection (a). However,
17 subject to the limitations of subsection (c), the division shall at all
18 times retain the ability to secure, maintain, and fund long term inpatient
19 beds for individuals who satisfy the criteria in subsection (a) as
20 determined by the community mental health centers.
- 21 (e) An individual may not be placed in a long term inpatient bed
22 under this section at Larue D. Carter Memorial Hospital if the
23 placement adversely affects the research and teaching mission of the
24 hospital.
- 25 (f) Notwithstanding any other law, the director of the division of
26 **addiction and mental health services** may not terminate normal patient
27 care or other operations at Central State Hospital unless the division
28 has developed a plan to comply with this section. Before closing
29 Central State Hospital, the director shall submit a report to the
30 legislative council containing the following information:
- 31 (1) The plans the division has made and implemented to comply
32 with this section.
- 33 (2) The disposition of patients made and to be made from July 1,
34 1993, to the estimated date of closing of Central State Hospital.
- 35 (3) Other information the director considers relevant.
- 36 SECTION 65. IC 12-24-12-1 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this
38 chapter, "division" refers only to the division of **addiction and mental**

1 health **services**.

2 SECTION 66. IC 12-24-12-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) Upon admission
4 to a state institution administered by the division of **addiction and**
5 mental health **services**, the gatekeeper is one (1) of the following:

6 (1) For an individual with a psychiatric disorder, the community
7 mental health center that submitted the report to the committing
8 court under IC 12-26.

9 (2) For an individual with a developmental disability, a division
10 of disability, aging, and rehabilitative services service coordinator
11 under IC 12-11-2.

12 (3) For an individual entering an addictions program, an
13 addictions treatment provider that is certified by the division of
14 **addiction and mental health services**.

15 (b) The division is the gatekeeper for the following:

16 (1) An individual who is found to have insufficient
17 comprehension to stand trial under IC 35-36-3.

18 (2) An individual who is found to be not guilty by reason of
19 insanity under IC 35-36-2-4 and is subject to a civil commitment
20 under IC 12-26.

21 (3) An individual who is immediately subject to a civil
22 commitment upon the individual's release from incarceration in
23 a facility administered by the department of correction or the
24 Federal Bureau of Prisons, or upon being charged with or
25 convicted of a forcible felony under IC 35-41-1.

26 (4) An individual placed under the supervision of the division for
27 addictions treatment under IC 12-23-7 and IC 12-23-8.

28 (5) An individual transferred from the department of correction
29 under IC 11-10-4.

30 SECTION 67. IC 12-24-19-1 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) This chapter
32 applies only to a patient who is transferred or discharged from a state
33 institution administered by the division of **addiction and** mental health
34 **services**.

35 (b) This chapter does not apply to any of the following:

36 (1) An individual who is admitted to a state institution only for
37 evaluation purposes.

38 (2) An individual who is incompetent to stand trial.

1 (3) An individual who has a developmental disability (as defined
2 in IC 12-7-2-61).

3 (4) An individual in an alcohol and drug services program who is
4 not concurrently diagnosed as mentally ill.

5 (5) An individual who has escaped from the facility to which the
6 individual was involuntarily committed.

7 (6) An individual who was admitted to a facility for voluntary
8 treatment and who has left the facility against the advice of the
9 attending physician.

10 SECTION 68. IC 12-24-19-7 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) As used in this
12 section, "transitional care" means temporary treatment services to
13 facilitate an individual's:

14 (1) transfer from a mental health institution to a community
15 residential setting; or

16 (2) discharge from a mental health institution.

17 (b) The transitional care program shall assist consumers in making
18 a smooth adjustment to community living and operate in collaboration
19 with a managed care provider of services in the consumer's home area.

20 (c) Resources for the program shall come from the total
21 appropriation for the facility, and may be adjusted to meet the needs of
22 consumer demand by the director.

23 (d) Each state institution administered by the division of **addiction**
24 **and** mental health **services** shall establish a transitional care program
25 with adequate staffing patterns and employee skill levels for patients'
26 transitional care needs where clinically appropriate.

27 (e) The transitional care program shall be staffed by transitional care
28 specialists and at least one (1) transitional care case manager.

29 (f) A transitional care case manager must have at least a bachelor's
30 degree and be trained in transitional care.

31 (g) Psychiatric attendants working in this program shall be trained,
32 classified, and compensated as appropriate for a transitional care
33 specialist.

34 SECTION 69. IC 12-26-6-8 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) If, upon the
36 completion of the hearing and consideration of the record, the court
37 finds that the individual is mentally ill and either dangerous or gravely
38 disabled, the court may order the individual to:

- 1 (1) be committed to an appropriate facility; or
2 (2) enter an outpatient treatment program under IC 12-26-14 for
3 a period of not more than ninety (90) days.

4 (b) The court's order must require that the superintendent of the
5 facility or the attending physician file a treatment plan with the court
6 within fifteen (15) days of the individual's admission to the facility
7 under a commitment order.

8 (c) If the commitment ordered under subsection (a) is to a state
9 institution administered by the division of **addiction and** mental health
10 **services**, the record of commitment proceedings must include a report
11 from a community mental health center stating both of the following:

12 (1) That the community mental health center has evaluated the
13 individual.

14 (2) That commitment to a state institution administered by the
15 division of **addiction and** mental health **services** under this
16 chapter is appropriate.

17 (d) The physician who makes the statement required by section 2(c)
18 of this chapter may be affiliated with the community mental health
19 center that submits to the court the report required by subsection (c).

20 (e) If the commitment is of an adult to a research bed at Larue D.
21 Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from
22 a community mental health center is not required.

23 (f) If a commitment ordered under subsection (a) is to a state
24 institution administered by the division of disability, aging, and
25 rehabilitative services, the record of commitment proceedings must
26 include a report from a service coordinator employed by the division
27 of disability, aging, and rehabilitative services stating that, based on a
28 diagnostic assessment of the individual, commitment to a state
29 institution administered by the division of disability, aging, and
30 rehabilitative services under this chapter is appropriate.

31 SECTION 70. IC 12-26-7-3 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A petition filed
33 under section 2 of this chapter must include a physician's written
34 statement that states both of the following:

35 (1) The physician has examined the individual within the past
36 thirty (30) days.

37 (2) The physician believes that the individual is:

38 (A) mentally ill and either dangerous or gravely disabled; and

1 (B) in need of custody, care, or treatment in a facility for a
2 period expected to be more than ninety (90) days.

3 (b) Except as provided in subsection (d), if the commitment is to a
4 state institution administered by the division of **addiction and** mental
5 health **services**, the record of the proceedings must include a report
6 from a community mental health center stating both of the following:

7 (1) The community mental health center has evaluated the
8 individual.

9 (2) Commitment to a state institution administered by the division
10 of **addiction and** mental health **services** under this chapter is
11 appropriate.

12 (c) The physician who makes the statement required by subsection
13 (a) may be affiliated with the community mental health center that
14 makes the report required by subsection (b).

15 (d) If the commitment is of an adult to a research bed at Larue D.
16 Carter Memorial Hospital, as set forth in IC 12-21-2-3, the report from
17 a community mental health center is not required.

18 (e) If a commitment ordered under subsection (a) is to a state
19 institution administered by the division of disability, aging, and
20 rehabilitative services, the record of commitment proceedings must
21 include a report from a service coordinator employed by the division
22 of disability, aging, and rehabilitative services stating that, based on a
23 diagnostic assessment of the individual, commitment to a state
24 institution administered by the division of disability, aging, and
25 rehabilitative services under this chapter is appropriate.

26 SECTION 71. IC 12-26-11-3.5 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.5. If an individual is
28 transferred under section 1 of this chapter from a state institution
29 administered by the division of **addiction and** mental health **services**,
30 the gatekeeper for the individual shall facilitate and plan, together with
31 the individual and state institution, the individual's transition to the
32 community or to another facility if the facility is not a state institution
33 administered by the division of **addiction and** mental health **services**.

34 SECTION 72. IC 12-27-9-3 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Within the limits of
36 appropriated funds, the division of **addiction and** mental health
37 **services** shall contract in writing with a nonprofit corporation for the
38 operation of the mental health ombudsman program. The nonprofit

1 corporation must:

- 2 (1) be qualified to receive tax deductible contributions under
 3 Section 170 of the Internal Revenue Code;
 4 (2) have offices statewide; and
 5 (3) have experience in mental health advocacy.

6 SECTION 73. IC 12-27-9-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) If the
 8 ombudsman believes that the agency, facility, or program has failed to
 9 comply with the ombudsman's recommendations, the ombudsman shall
 10 refer the matter to the division of **addiction and mental health services**
 11 or the Indiana protection and advocacy services commission as
 12 appropriate.

13 (b) The ombudsman shall compile annual statistics on each agency,
 14 facility, or program on which it reviews a complaint or conducts an
 15 investigation and determines that the complaint has merit or the
 16 investigation reveals a problem. The statistics must specify the types of
 17 complaints or problems and each agency, facility, or program that has
 18 failed to comply with the ombudsman's recommendations. The
 19 statistics shall be reported to the director of the division of **addiction**
 20 **and mental health services**.

21 SECTION 74. IC 12-29-1-7 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) On the first
 23 Monday in October, the county auditor shall certify to:

- 24 (1) the division of **addiction and mental health services**, for a
 25 community mental health center;
 26 (2) the division of disability, aging, and rehabilitative services, for
 27 a community mental retardation and other developmental
 28 disabilities center; and
 29 (3) the president of the board of directors of each center;

30 the amount of money that will be provided to the center under this
 31 chapter.

32 (b) The county payment to the center shall be paid by the county
 33 treasurer to the treasurer of each center's board of directors in the
 34 following manner:

- 35 (1) One-half (1/2) of the county payment to the center shall be
 36 made on the second Monday in July.
 37 (2) One-half (1/2) of the county payment to the center shall be
 38 made on the second Monday in December.

1 A county treasurer making a payment under this subsection or from
 2 other county sources to a community mental health center that qualifies
 3 as a community mental health center disproportionate share provider
 4 under IC 12-15-16-1(d) shall certify that the payment represents
 5 expenditures eligible for financial participation under 42 U.S.C.
 6 1396b(w)(6)(A) and 42 CFR 433.51. The office of Medicaid policy and
 7 planning shall assist a county treasurer in making this certification.

8 (c) Payments by the county fiscal body:

9 (1) must be in the amounts:

10 (A) determined by IC 12-29-2-1 through IC 12-29-2-6; and

11 (B) authorized by section 1 of this chapter; and

12 (2) are in place of grants from agencies supported within the
 13 county solely by county tax money.

14 SECTION 75. IC 12-29-2-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies
 16 only to the funding of a program of services for the mentally ill that is
 17 designated as a community mental health center by the division of
 18 **addiction and mental health services** in the division's approval of the
 19 program.

20 SECTION 76. IC 12-29-2-13 IS AMENDED TO READ AS
 21 FOLLOWS (CURRENT VERSION) [EFFECTIVE JULY 1, 1999]:
 22 Sec. 13. (a) This section applies to a county having a population of not
 23 less than four hundred thousand (400,000) but not more than seven
 24 hundred thousand (700,000).

25 (b) In addition to any other appropriation under this article, a county
 26 annually may fund each center serving the county from the county's
 27 general fund in an amount not exceeding the amount that would be
 28 raised by a tax rate of three cents (\$0.03) on each one hundred dollars
 29 (\$100) of taxable property within the county.

30 (c) The receipts from the tax levied under this section shall be used
 31 for the leasing, purchasing, constructing, or operating of community
 32 residential facilities for the chronically mentally ill (as defined in
 33 IC 12-7-2-167).

34 (d) Money appropriated under this section must be:

35 (1) budgeted under IC 6-1.1-17; and

36 (2) included in the center's budget submitted to the division of
 37 **addiction and mental health services**.

38 (e) Permission for a levy increase in excess of the levy limitations

1 may be ordered under IC 6-1.1-18.5-15 only if the levy increase is
 2 approved by the division of **addiction and** mental health **services** for
 3 a community mental health center.

4 SECTION 77. IC 12-29-2-13 IS AMENDED TO READ AS
 5 FOLLOWS (DELAYED VERSION) [EFFECTIVE MARCH 1, 2001]:
 6 Sec. 13. (a) This section applies to a county having a population of not
 7 less than four hundred thousand (400,000) but not more than seven
 8 hundred thousand (700,000).

9 (b) In addition to any other appropriation under this article, a county
 10 annually may fund each center serving the county from the county's
 11 general fund in an amount not exceeding the amount that would be
 12 raised by a tax rate of one cent (\$0.01) on each one hundred dollars
 13 (\$100) of taxable property within the county.

14 (c) The receipts from the tax levied under this section shall be used
 15 for the leasing, purchasing, constructing, or operating of community
 16 residential facilities for the chronically mentally ill (as defined in
 17 IC 12-7-2-167).

18 (d) Money appropriated under this section must be:

- 19 (1) budgeted under IC 6-1.1-17; and
 20 (2) included in the center's budget submitted to the division of
 21 **addiction and** mental health **services**.

22 (e) Permission for a levy increase in excess of the levy limitations
 23 may be ordered under IC 6-1.1-18.5-15 only if the levy increase is
 24 approved by the division of **addiction and** mental health **services** for
 25 a community mental health center.

26 SECTION 78. IC 12-29-2-14 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) An entity may
 28 not:

- 29 (1) hold itself out to be a community mental health center; or
 30 (2) use the term "community mental health center";
 31 unless the entity is certified by the division of **addiction and** mental
 32 health **services**.

33 (b) The division of **addiction and** mental health **services** shall
 34 investigate a report that an entity is operating as a community mental
 35 health center without the approval of the division of **addiction and**
 36 mental health **services** and report the division's findings to the attorney
 37 general.

38 (c) Upon receiving a report made under subsection (b), the attorney

1 general may do the following:

2 (1) Seek the issuance of a search warrant to assist in the
3 investigation.

4 (2) File an action for injunctive relief to stop the operation of the
5 entity that is the subject of the report if there is reasonable cause
6 to believe that the entity is operating without the required
7 approval of the division of **addiction and** mental health **services**.

8 (3) File an action for injunctive relief to stop the entity that is the
9 subject of the report from using the term "community mental
10 health center".

11 (4) Seek in a civil action a civil penalty of not more than one
12 hundred dollars (\$100) a day for each day an entity is operating
13 without the required approval of the division of **addiction and**
14 mental health **services**.

15 (d) An opportunity for an informal meeting with the division of
16 **addiction and** mental health **services** must be provided after the
17 injunctive relief is ordered.

18 (e) The civil penalties collected under this section must be deposited
19 in the mental health centers fund (IC 6-7-1-32.1).

20 SECTION 79. IC 16-32-2-3 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. The committee shall
22 be composed of the following members:

23 (1) The director of the division of disability, aging, and
24 rehabilitative services or the director's designee.

25 (2) The commissioner of the Indiana department of administration
26 or the commissioner's designee.

27 (3) The executive director of the governor's planning council on
28 people with disabilities.

29 (4) The director of the division of **addiction and** mental health
30 **services** or the director's designee.

31 (5) The commissioner of the state department of health or the
32 commissioner's designee.

33 (6) Three (3) members appointed by the governor to represent the
34 public at large.

35 SECTION 80. IC 16-39-2-2 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. A record for each
37 patient receiving mental health services shall be maintained by the
38 provider. The mental health record must contain the information that

1 the division of **addiction and** mental health **services**, the division of
 2 disability, aging, and rehabilitative services, or the state department
 3 requires by rule. The provider is:

- 4 (1) the owner of the mental health record;
- 5 (2) responsible for the record's safekeeping; and
- 6 (3) entitled to retain possession of the record.

7 The information contained in the mental health record belongs to the
 8 patient involved as well as to the provider. The provider shall maintain
 9 the original mental health record or a microfilm of the mental health
 10 record for at least seven (7) years.

11 SECTION 81. IC 16-39-2-6, AS AMENDED BY SEA 40-1999, IS
 12 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:
 13 Sec. 6. (a) Without the consent of the patient, the patient's mental
 14 health record may only be disclosed as follows:

- 15 (1) To individuals who meet the following conditions:

16 (A) Are employed by:

- 17 (i) the provider at the same facility or agency;
- 18 (ii) a managed care provider (as defined in
 19 IC 12-7-2-127(b)); or
- 20 (iii) a health care provider or mental health care provider, if
 21 the mental health records are needed to provide health care
 22 or mental health services to the patient.

23 (B) Are involved in the planning, provision, and monitoring of
 24 services.

- 25 (2) To the extent necessary to obtain payment for services
 26 rendered or other benefits to which the patient may be entitled, as
 27 provided in IC 16-39-5-3.

28 (3) To the patient's court appointed counsel and to the Indiana
 29 protection and advocacy services commission.

30 (4) For research conducted in accordance with IC 16-39-5-3 and
 31 the rules of the division of **addiction and** mental health **services**,
 32 the rules of the division of disability, aging, and rehabilitative
 33 services, or the rules of the provider.

34 (5) To the division of **addiction and** mental health **services** for
 35 the purpose of data collection, research, and monitoring managed
 36 care providers (as defined in IC 12-7-2-127(b)) who are operating
 37 under a contract with the division of **addiction and** mental health
 38 **services**.

- 1 (6) To the extent necessary to make reports or give testimony
 2 required by the statutes pertaining to admissions, transfers,
 3 discharges, and guardianship proceedings.
- 4 (7) To a law enforcement agency if any of the following
 5 conditions are met:
- 6 (A) A patient escapes from a facility to which the patient is
 7 committed under IC 12-26.
- 8 (B) The superintendent of the facility determines that failure
 9 to provide the information may result in bodily harm to the
 10 patient or another individual.
- 11 (C) A patient commits or threatens to commit a crime on
 12 facility premises or against facility personnel.
- 13 (D) A patient is in the custody of a law enforcement officer or
 14 agency for any reason and:
- 15 (i) the information to be released is limited to medications
 16 currently prescribed for the patient or to the patient's history
 17 of adverse medication reactions; and
- 18 (ii) the provider determines that the release of the
 19 medication information will assist in protecting the health,
 20 safety, or welfare of the patient.
- 21 Mental health records released under this clause must be
 22 maintained in confidence by the law enforcement agency
 23 receiving them.
- 24 (8) To a coroner or medical examiner, in the performance of the
 25 individual's duties.
- 26 (9) To a school in which the patient is enrolled if the
 27 superintendent of the facility determines that the information will
 28 assist the school in meeting educational needs of a person with a
 29 disability under 20 U.S.C. 1400 et seq.
- 30 (10) To the extent necessary to satisfy reporting requirements
 31 under the following statutes:
- 32 (A) IC 12-10-3-10.
 33 (B) IC 12-17-2-16.
 34 (C) IC 12-24-17-5.
 35 (D) IC 16-41-2-3.
 36 (E) IC 31-33-5-4.
 37 (F) IC 34-30-16-2.
 38 (G) IC 35-46-1-13.

- 1 (11) To the extent necessary to satisfy release of information
2 requirements under the following statutes:
- 3 (A) IC 12-24-11-2.
4 (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
5 (C) IC 12-26-11.
- 6 (12) To another health care provider in a health care emergency.
7 (13) For legitimate business purposes as described in
8 IC 16-39-5-3.
9 (14) Under a court order under IC 16-39-3.
10 (15) With respect to records from a mental health or
11 developmental disability facility, to the United States Secret
12 Service if the following conditions are met:
- 13 (A) The request does not apply to alcohol or drug abuse
14 records described in 42 U.S.C. 290dd-2 unless authorized by
15 a court order under 42 U.S.C. 290dd-2(b)(2)(c).
16 (B) The request relates to the United States Secret Service's
17 protective responsibility and investigative authority under 18
18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
19 (C) The request specifies an individual patient.
20 (D) The director or superintendent of the facility determines
21 that disclosure of the mental health record may be necessary
22 to protect a person under the protection of the United States
23 Secret Service from serious bodily injury or death.
24 (E) The United States Secret Service agrees to only use the
25 mental health record information for investigative purposes
26 and not disclose the information publicly.
27 (F) The mental health record information disclosed to the
28 United States Secret Service includes only:
- 29 (i) the patient's name, age, and address;
30 (ii) the date of the patient's admission to or discharge from
31 the facility; and
32 (iii) any information that indicates whether or not the patient
33 has a history of violence or presents a danger to the person
34 under protection.
- 35 (b) After information is disclosed under subsection (a)(15) and if the
36 patient is evaluated to be dangerous, the records shall be interpreted in
37 consultation with a licensed mental health professional on the staff of
38 the United States Secret Service.

1 (c) A person who discloses information under subsection (a)(7) or
2 (a)(15) in good faith is immune from civil and criminal liability.

3 SECTION 82. IC 16-42-20-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The addiction
5 services bureau of the division of **addiction and** mental health **services**
6 shall carry out educational programs designed to prevent and deter
7 misuse and abuse of controlled substances. In connection with these
8 programs, the bureau may do the following:

9 (1) Promote better recognition of the problems of misuse and
10 abuse of controlled substances within the regulated industry and
11 among interested groups and organizations.

12 (2) Assist the regulated industry and interested groups and
13 organizations in contributing to the reduction of misuse and abuse
14 of controlled substances.

15 (3) Consult with interested groups and organizations to aid the
16 groups and organizations in solving administrative and
17 organizational problems.

18 (4) Evaluate procedures, projects, techniques, and controls
19 conducted or proposed as part of educational programs on misuse
20 and abuse of controlled substances.

21 (5) Disseminate the results of research on misuse and abuse of
22 controlled substances to promote a better public understanding of
23 what problems exist and what can be done to combat the
24 problems.

25 (6) Assist in the education and training of state and local law
26 enforcement officials in efforts to control misuse and abuse of
27 controlled substances.

28 SECTION 83. IC 16-42-20-9 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. The addiction
30 services bureau of the division of **addiction and** mental health **services**
31 shall encourage research on misuse and abuse of controlled substances.
32 In connection with the research and in furtherance of the enforcement
33 of laws relating to controlled substances, the bureau may do the
34 following:

35 (1) Establish methods to assess accurately the effects of controlled
36 substances and identify and characterize those with potential for
37 abuse.

38 (2) Make studies and undertake programs of research to do the

1 following:

2 (A) Develop new or improved approaches, techniques,
3 systems, equipment, and devices to strengthen the enforcement
4 of laws relating to controlled substances.

5 (B) Determine patterns of misuse and abuse of controlled
6 substances and the social effects of such behavior.

7 (C) Improve methods for preventing, predicting,
8 understanding, and dealing with the misuse and abuse of
9 controlled substances.

10 (3) Enter into contracts with public agencies, institutions of higher
11 education, and private organizations or individuals for the
12 purpose of conducting research, demonstrations, or special
13 projects that bear directly on misuse and abuse of controlled
14 substances.

15 SECTION 84. IC 16-42-20-10 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The addiction
17 services bureau of the division of **addiction and** mental health **services**
18 may enter into contracts for educational and research activities without
19 performance bonds.

20 SECTION 85. IC 16-46-6-4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The council
22 consists of the following seventeen (17) members:

23 (1) Two (2) members of the house of representatives from
24 different political parties appointed by the speaker of the house of
25 representatives.

26 (2) Two (2) members of the senate from different political parties
27 appointed by the president pro tempore of the senate.

28 (3) The governor or the governor's designee.

29 (4) The state health commissioner or the commissioner's
30 designee.

31 (5) The director of the division of family and children or the
32 director's designee.

33 (6) The superintendent of public instruction or the
34 superintendent's designee.

35 (7) The director of the division of **addiction and** mental health
36 **services** or the director's designee.

37 (8) The commissioner of the department of correction or the
38 commissioner's designee.

- 1 (9) The director of the division of disability, aging, and
 2 rehabilitative services or the director's designee.
- 3 (10) One (1) representative of a public health care facility
 4 appointed by the governor.
- 5 (11) One (1) licensed physician appointed by the governor who
 6 has knowledge and experience in the special health needs of
 7 minorities.
- 8 (12) One (1) psychologist appointed by the governor who:
 9 (A) is licensed to practice psychology in Indiana; and
 10 (B) has knowledge and experience in the special health needs
 11 of minorities.
- 12 (13) Three (3) members appointed by the governor, who represent
 13 statewide organizations concerned with the health, economic,
 14 social, or educational needs of minorities. However, at least one
 15 (1) of the members must be a member of the Indiana minority
 16 health coalition.
- 17 (b) At least fifty percent (50%) of the members of the council must
 18 be minorities.
- 19 SECTION 86. IC 20-1-1.8-13 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The step ahead
 21 statewide panel is established to implement the step ahead program.
- 22 (b) The panel consists of the following members:
 23 (1) Six (6) members who:
 24 (A) shall be appointed by and serve at the pleasure of the
 25 governor; and
 26 (B) are selected from representatives of the following state
 27 agencies:
 28 (i) Division of **addiction and mental health services**.
 29 (ii) State department of health.
 30 (iii) Division of children and family services.
 31 (iv) Budget agency.
 32 (v) Division of aging and rehabilitative services.
 33 (vi) Department of education.
 34 (vii) Executive staff of the lieutenant governor with
 35 knowledge in the area of employment and training
 36 programs.
 37 (viii) Executive staff of the governor.
- 38 (2) Five (5) members who:

- 1 (A) shall be appointed by and serve at the pleasure of the
 2 governor;
- 3 (B) are representative of the private sector; and
- 4 (C) are knowledgeable in the field of early childhood
 5 development.
- 6 (3) Four (4) members who:
- 7 (A) shall be appointed by and serve at the pleasure of the state
 8 superintendent of public instruction; and
- 9 (B) are knowledgeable in early childhood education.
- 10 (c) The chairman of the panel shall be appointed by the governor
 11 from outside of the membership of the panel as described in subsection
 12 (b). The chairman serves at the pleasure of the governor.
- 13 SECTION 87. IC 20-1-6-2.1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.1. (a) There is created
 15 under the Indiana state board of education a division of special
 16 education, which shall exercise all the power and duties set out in this
 17 chapter. The governor shall appoint, upon the recommendation of the
 18 state superintendent of public instruction, a director of special
 19 education who serves at the pleasure of the governor. The amount of
 20 compensation of the director shall be fixed by the budget agency with
 21 the approval of the governor. The duties of the director are as follows:
- 22 (1) To have general supervision of all programs, classes, and
 23 schools, including those conducted by the public schools, the
 24 department of correction, the state department of health, the
 25 division of disability, aging, and rehabilitative services, and the
 26 division of **addiction and** mental health **services**, for children
 27 with disabilities and to coordinate the work of these schools. In
 28 addition, relative to programs for preschool children with
 29 disabilities as required under section 14.1 of this chapter, the
 30 director has general supervision over programs, classes, and
 31 schools, including those conducted by the schools or other state
 32 or local service providers as contracted for under section 14.1 of
 33 this chapter. However, general supervision does not include the
 34 determination of admission standards for the state departments,
 35 boards, or agencies authorized to provide programs or classes
 36 under this chapter.
- 37 (2) To adopt, with the approval of the Indiana state board of
 38 education, rules governing the curriculum and instruction,

- 1 including licensing of personnel in the field of education, as
 2 provided by law.
- 3 (3) To inspect and rate all schools, programs, or classes for
 4 children with disabilities to maintain proper standards of
 5 personnel, equipment, and supplies.
- 6 (4) With the consent of the state superintendent of public
 7 instruction and the budget agency, to appoint and fix salaries for
 8 any assistants and other personnel needed to enable the director
 9 to accomplish the duties of the director's office.
- 10 (5) To adopt, with the approval of the Indiana state board of
 11 education, the following:
- 12 (A) Rules governing the identification and evaluation of
 13 children with disabilities and their placement under an
 14 individualized education program in a special education
 15 program.
- 16 (B) Rules protecting the rights of a child with a disability and
 17 the parents of the child with a disability in the identification,
 18 evaluation, and placement process.
- 19 (6) To make recommendations to the Indiana state board of
 20 education concerning standards and case load ranges for related
 21 services to assist each teacher in meeting the individual needs of
 22 each child according to that child's individualized education
 23 program. The recommendations may include the following:
- 24 (A) The number of teacher aides recommended for each
 25 exceptionality included within the class size ranges.
- 26 (B) The role of the teacher aide.
- 27 (C) Minimum training recommendations for teacher aides and
 28 recommended procedures for the supervision of teacher aides.
- 29 (7) To cooperate with the interagency coordinating council
 30 established under IC 12-17-15 to ensure that the preschool special
 31 education programs required under section 14.1 of this chapter
 32 are consistent with the early intervention services program
 33 described in IC 12-17-15.
- 34 (b) The director or the Indiana state board of education may exercise
 35 authority over vocational programs for children with disabilities
 36 through a letter of agreement with the department of workforce
 37 development.
- 38 SECTION 88. IC 20-1-6-15.1 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15.1. (a) For the
2 purposes of this section, "comprehensive plan" means a plan for
3 educating all children with disabilities that a school corporation is
4 required to educate under sections 14 through 14.1 of this chapter, and
5 those additional children with disabilities that it elects to educate.

6 (b) The Indiana state board of education shall adopt rules under
7 IC 4-22-2 detailing the contents of the comprehensive plan. Each
8 school corporation shall complete and submit to the state
9 superintendent of public instruction a comprehensive plan. School
10 corporations operating cooperative or joint special education services
11 may submit a single comprehensive plan. In addition, if a school
12 corporation enters into a contractual agreement as permitted under
13 section 14.1 of this chapter, the school corporation shall collaborate
14 with the service provider in formulating the comprehensive plan.

15 (c) Notwithstanding the age limits set out in section 1 of this
16 chapter, the Indiana state board of education may conduct a program
17 for the early identification of children with disabilities, between the
18 ages of birth and twenty-one (21), not served by the public schools or
19 through a contractual agreement under section 14.1 of this chapter, and
20 may utilize agencies that serve children with disabilities other than the
21 public schools.

22 (d) The Indiana state board of education shall adopt rules under
23 IC 4-22-2 requiring the department of correction, the state department
24 of health, the division of disability, aging, and rehabilitative services,
25 and the division of **addiction and** mental health **services** to submit to
26 the superintendent of public instruction a plan for the provision of
27 special education for children in programs administered by each
28 respective agency who are entitled to a special education.

29 (e) The superintendent of public instruction shall furnish
30 professional consultant services to the school corporations, the
31 department of correction, the state department of health, the division
32 of disability, aging, and rehabilitative services, and the division of
33 **addiction and** mental health **services** to aid them in fulfilling the
34 requirements of this section.

35 SECTION 89. IC 20-1-6-16 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) The
37 superintendent shall appoint a state advisory council on the education
38 of children with disabilities whose duties shall consist of providing

1 policy guidance concerning special education and related services for
 2 children with disabilities. The superintendent shall appoint at least
 3 seventeen (17) members who shall serve for a period of four (4) years.
 4 Vacancies shall be filled in like manner for the unexpired balance of
 5 the term.

6 (b) The members must be citizens of Indiana who are representative
 7 of the state's population and selected on the basis of their involvement
 8 in or concern with the education of children with disabilities. A
 9 majority of the members must be individuals with disabilities or the
 10 parents of children with disabilities. Members must include the
 11 following:

- 12 (1) Parents of children with disabilities.
- 13 (2) Individuals with disabilities.
- 14 (3) Teachers.
- 15 (4) Representatives of higher education institutions that prepare
 16 special education and related services personnel.
- 17 (5) State and local education officials.
- 18 (6) Administrators of programs for children with disabilities.
- 19 (7) Representatives of state agencies involved in the financing or
 20 delivery of related services to children with disabilities, including
 21 the following:
 - 22 (A) The commissioner of the state department of health or the
 23 commissioner's designee.
 - 24 (B) The director of the division of disability, aging, and
 25 rehabilitative services or the director's designee.
 - 26 (C) The director of the division of **addiction and** mental
 27 health **services** or the director's designee.
 - 28 (D) The director of the division of family and children or the
 29 director's designee.
- 30 (8) Representatives of nonpublic schools and freeway schools.
- 31 (9) One (1) or more representatives of vocational, community, or
 32 business organizations concerned with the provision of
 33 transitional services to children with disabilities.
- 34 (10) Representatives of the department of correction.

35 (c) The responsibilities of the state advisory council are as follows:

- 36 (1) To advise the superintendent and the board regarding all rules
 37 pertaining to children with disabilities.
- 38 (2) To recommend approval or rejection of completed

1 comprehensive plans submitted by school corporations acting
2 individually or on a joint school services program basis with other
3 corporations.

4 (3) To advise the department of unmet needs within the state in
5 the education of children with disabilities.

6 (4) To provide public comment on rules proposed by the board
7 regarding the education of children with disabilities.

8 (5) To advise the department in developing evaluations and
9 reporting data to the United States Secretary of Education under
10 20 U.S.C. 1418.

11 (6) To advise the department in developing corrective action
12 plans to address findings identified in federal monitoring reports
13 under 20 U.S.C. 1400 et seq.

14 (7) To advise the department in developing and implementing
15 policies related to the coordination of services for children with
16 disabilities.

17 (d) The council shall organize with a chairperson selected by the
18 superintendent and meet as often as necessary to conduct the council's
19 business at the call of the chairperson upon ten (10) days written notice
20 but not less than four (4) times a year. Members of the council shall be
21 entitled to reasonable amounts for expenses necessarily incurred in the
22 performance of their duties.

23 (e) The superintendent shall designate the director to act as
24 executive secretary of the council and shall furnish all professional and
25 clerical assistance necessary for the performance of its powers and
26 duties.

27 (f) The affirmative votes of a majority of the members appointed to
28 the council are required for the council to take action.

29 SECTION 90. IC 20-1-6-18.2 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18.2. (a) The Indiana
31 state board of education shall adopt rules under IC 4-22-2 which
32 establish limitations on the amount of transportation which may be
33 provided in the student's individualized education program. Unless
34 otherwise specially shown to be essential by the child's individualized
35 education program, in case of residency in a public or private facility,
36 these rules shall limit the transportation required by the student's
37 individualized education program to his first entrance and final
38 departure each school year plus round trip transportation each school

- 1 holiday period and two (2) additional round trips each school year.
- 2 (b) Whenever a student is a transfer student receiving special
3 education in a public school, the state or school corporation responsible
4 for the payment of transfer tuition under IC 20-8.1-6.1-1 shall bear the
5 cost of transportation required by the student's individualized education
6 program. However, if a transfer student was counted as an eligible
7 student for purposes of a distribution in a calendar year under
8 IC 21-3-3.1, the transportation costs that the transferee school may
9 charge for a school year ending in the calendar year shall be reduced
10 by the sum of the following:
- 11 (1) The quotient of the amount of money that the transferee
12 school is eligible to receive under IC 21-3-3.1-2.1 for the calendar
13 year in which the school year ends divided by the number of
14 eligible students for the transferee school for the calendar year (as
15 determined under IC 21-3-3.1-2.1).
- 16 (2) The amount of money that the transferee school is eligible to
17 receive under IC 21-3-3.1-4 for the calendar year in which the
18 school year ends for the transportation of the transfer student
19 during the school year.
- 20 (c) Whenever a student receives a special education in a facility
21 operated by the state department of health, the division of disability,
22 aging, and rehabilitative services, or the division of **addiction and**
23 **mental health services**, the school corporation in which the student has
24 legal settlement shall bear the cost of transportation required by the
25 student's individualized education program. However, if the student's
26 legal settlement cannot be ascertained, the Indiana state board of
27 education shall bear the cost of transportation required by the student's
28 individualized education program.
- 29 (d) Whenever a student is placed in a private facility under section
30 19 of this chapter in order to receive a special education because the
31 student's school corporation cannot provide an appropriate special
32 education program, the school corporation in which the student has
33 legal settlement shall bear the cost of transportation required by the
34 student's individualized education program. However, if the student's
35 legal settlement cannot be ascertained, the Indiana state board of
36 education shall bear the cost of transportation required by the student's
37 individualized education program.
- 38 SECTION 91. IC 20-1-6.1-13 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) The
 2 rehabilitation services bureau, the bureau providing services to
 3 individuals who are developmentally disabled, and the division of
 4 **addiction and mental health services** shall provide each school
 5 corporation with written material describing the ongoing adult services
 6 available to students with disabilities and the procedures to be used to
 7 access those services.

8 (b) The material shall be provided in sufficient numbers to allow
 9 each student and, if the student's family is involved, each student's
 10 family to receive a copy at the annual case review described in section
 11 8 of this chapter or as authorized under section 12 of this chapter.

12 SECTION 92. IC 20-8.1-6.1-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) A student who is
 14 placed in a state licensed private or public health care facility, child
 15 care facility, or foster family home:

- 16 (1) by or with the consent of the division of family and children;
 17 (2) by a court order; or
 18 (3) by a child-placing agency licensed by the division of family
 19 and children;

20 may attend school in the school corporation in which the home or
 21 facility is located. If the school corporation in which the home or
 22 facility is located is not the school corporation in which the student has
 23 legal settlement, the school corporation in which the student has legal
 24 settlement shall pay the transfer tuition of the student.

25 (b) A student who is placed in a state licensed private or public
 26 health care or child care facility by a parent or guardian may attend
 27 school in the school corporation in which the facility is located if:

- 28 (1) the placement is necessary for the student's physical or
 29 emotional health and well-being; and
 30 (2) the placement is for no less than four (4) weeks.

31 The school corporation in which the student has legal settlement shall
 32 pay the transfer tuition of the student. The parent or guardian of the
 33 student shall notify the school corporation in which the facility is
 34 located and the school corporation of the student's legal settlement, if
 35 identifiable, of the placement. No later than thirty (30) days after this
 36 notice, the school corporation of legal settlement shall either pay the
 37 transfer tuition of the transferred student or appeal the payment by
 38 notice to the department of education. The acceptance or notice of

1 appeal by the school corporation shall be given by certified mail to the
 2 parent or guardian of the student and any affected school corporation.
 3 In the case of a student who is not identified as disabled under
 4 IC 20-1-6, the Indiana state board of education shall make a
 5 determination on transfer tuition in accordance with the procedures set
 6 out in section 10 of this chapter. In the case of a student who has been
 7 identified as disabled under IC 20-1-6, the determination on transfer
 8 tuition shall be made in accordance with this subsection and the
 9 procedures adopted by the Indiana state board of education under
 10 IC 20-1-6-2.1(a)(5).

11 (c) A student who is placed in:

12 (1) an institution operated by the division of disability, aging, and
 13 rehabilitative services or the division of **addiction and** mental
 14 health **services**; or

15 (2) an institution, a public or private facility, a home, a group
 16 home, or an alternative family setting by the division of disability,
 17 aging, and rehabilitative services or the division of **addiction and**
 18 mental health **services**;

19 may attend school in the school corporation in which the institution is
 20 located. The state shall pay the transfer tuition of the student, unless
 21 another entity is required to pay the transfer tuition as a result of a
 22 placement described in subsection (a) or (b) or another state is
 23 obligated to pay the transfer tuition.

24 SECTION 93. IC 22-3-2-2.3 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.3. (a) As used in this
 26 section, "volunteer worker" means a person who:

27 (1) performs services:

28 (A) for a state institution (as defined in IC 12-7-2-184); and

29 (B) for which the person does not receive compensation of any
 30 nature; and

31 (2) has been approved and accepted as a volunteer worker by the
 32 director of:

33 (A) the division of disability, aging, and rehabilitative
 34 services; or

35 (B) the division of **addiction and** mental health **services**.

36 (b) Services of any nature performed by a volunteer worker for a
 37 state institution (as defined in IC 12-7-2-184) are governmental
 38 services. A volunteer worker is subject to the medical benefits

1 described under IC 22-3-2 through IC 22-3-6. However, a volunteer
2 worker is not under IC 22-3-2 through IC 22-3-6.

3 SECTION 94. IC 25-23.6-3-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may
5 not be construed to limit the marriage and family therapy services
6 performed by a person who does not use a title specified in this article
7 and who is one (1) of the following:

8 (1) A licensed or certified health care professional acting within
9 the scope of the person's license or certificate.

10 (2) A student, an intern, or a trainee pursuing a course of study in
11 medicine or psychology or a course of study to gain licensure
12 under this article in an accredited institution of higher education
13 or training institution, or is a graduate accumulating experience
14 required for licensure if:

15 (A) the activities are performed under qualified supervision
16 and constitute a part of the person's supervised course of study
17 or other level of supervision; and

18 (B) the student or graduate uses a title that contains the term
19 "intern" or "trainee";

20 (3) Not a resident of Indiana if the person performed services in
21 Indiana for not more than five (5) days in any one (1) month and
22 not more than fifteen (15) days in any one (1) calendar year and
23 the person is authorized to perform such services under the laws
24 of the state or country in which the person resides.

25 (4) A rabbi, priest, Christian Science practitioner, minister, or
26 other member of the clergy.

27 (5) An employee of or a volunteer for a nonprofit corporation or
28 an organization performing charitable, religious, or educational
29 functions, providing pastoral counseling or other assistance.

30 (6) A person who provides school counseling or a person who is
31 certified by a state or national organization that is recognized by
32 the Indiana division of **addiction and** mental health **services** and
33 who provides counseling in the areas of alcohol or drug abuse
34 addictions.

35 (b) Nothing in this section prohibits a person referred to in
36 subsection (a) from qualifying for licensure under this article.

37 SECTION 95. IC 25-23.6-4-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. A person who is not

1 licensed under this article may use the title "social service designee" if
2 the person:

- 3 (1) provides or assures provision of social services in:
4 (A) a health facility licensed under IC 16-28;
5 (B) a hospital licensed under IC 16-21 or IC 12-25;
6 (C) a substance abuse facility certified by the division of
7 **addiction and mental health services**;
8 (D) a home health agency licensed under IC 16-27-1; or
9 (E) a community health center; and
10 (2) does not profess to be:
11 (A) a licensed social worker; or
12 (B) licensed under this article.

13 SECTION 96. IC 25-23.6-4.5-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may
15 not be construed to limit the mental health counseling services
16 performed by a person who does not use a title specified in this article
17 and who is one (1) of the following:

- 18 (1) A licensed or certified health care professional acting within
19 the scope of the person's license or certificate.
20 (2) A student, an intern, or a trainee pursuing a course of study in
21 medicine, psychology, or a course of study to gain licensure under
22 this article in an accredited institution of higher education or
23 training institution, or is a graduate accumulating experience
24 required for licensure if:
25 (A) the services are performed under qualified supervision and
26 constitute a part of the person's supervised course of study or
27 other level of supervision; and
28 (B) the student or graduate uses a title that contains the term
29 "intern" or "trainee".
30 (3) Not a resident of Indiana if the person performed the services
31 in Indiana for not more than five (5) days in any one (1) month or
32 fifteen (15) days within any one (1) calendar year and the person
33 is authorized to perform such services under the laws of the state
34 or country in which the person resides.
35 (4) A rabbi, priest, Christian Science practitioner, minister, or
36 other member of the clergy.
37 (5) An employee or a volunteer for a nonprofit corporation or an
38 organization performing charitable, religious, or educational

1 functions, providing pastoral counseling, or providing other
2 assistance.

3 (6) A person who provides school counseling or a person who is
4 certified by a state or national organization that is recognized by
5 the Indiana division of **addiction and mental health services** and
6 who provides counseling in the areas of alcohol or drug abuse
7 addictions.

8 (b) Nothing in this section prohibits a person referred to in
9 subsection (a) from qualifying for licensure under this article.

10 SECTION 97. IC 27-8-5-15.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15.5. (a) As used in this
12 section:

13 "Alcohol abuse" has the meaning set forth in IC 12-7-2-10.

14 "Community mental health center" has the meaning set forth in
15 IC 12-7-2-38 and IC 12-7-2-39.

16 "Division of **addiction and mental health services**" refers to the
17 division created under IC 12-21-1-1.

18 "Drug abuse" has the meaning set forth in IC 12-7-2-72.

19 "Inpatient services" means services that require the beneficiary of
20 the services to remain overnight in the facility in which the services are
21 offered.

22 "Mental illness" has the meaning set forth in IC 12-7-2-130(1).

23 "Psychiatric hospital" has the meaning set forth in IC 12-7-2-151.

24 "State department of health" refers to the department established
25 under IC 16-19-1-1.

26 "Substance abuse" means drug abuse or alcohol abuse.

27 (b) An insurance policy that provides coverage for inpatient services
28 for the treatment of:

29 (1) mental illness;

30 (2) substance abuse; or

31 (3) both mental illness and substance abuse;

32 may not exclude coverage for inpatient services for the treatment of
33 mental illness or substance abuse that are provided by a community
34 mental health center or by any psychiatric hospital licensed by the state
35 department of health or the division of **addiction and mental health**
36 **services** to offer those services.

37 SECTION 98. IC 29-3-3-5 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The chief of social

1 services (or a person designated by the chief of social services) at any
 2 institution under the control of the division of **addiction and** mental
 3 health **services** or the division of disability, aging, and rehabilitative
 4 services may execute the necessary documents to make applications on
 5 behalf of a patient in the institution to receive public assistance or to
 6 transfer the patient to an alternate care facility without the appointment
 7 of a guardian or other order of court.

8 SECTION 99. IC 31-38-2-10 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. The division of
 10 family and children shall:

11 (1) provide information to:

12 (A) each referring agency;

13 (B) the division of **addiction and** mental health **services**; and

14 (C) the department of education;

15 concerning their duties and responsibilities under this chapter;

16 (2) organize local, regional, or statewide meetings necessary to
 17 prepare referring and member agencies for participation on a local
 18 coordinating committee;

19 (3) develop guidelines for local coordinating committees
 20 concerning the form and content of reports submitted to the
 21 division of family and children under this chapter;

22 (4) monitor and evaluate the performance of local coordinating
 23 committees; and

24 (5) make recommendations to the general assembly concerning
 25 the need for and availability of services for children in Indiana.

26 SECTION 100. IC 34-30-2-47.3 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 47.3. IC 12-23-12-2
 28 (Concerning the division of **addiction and** mental health **services** or
 29 its agents for exercise of discretion regarding notification or consent
 30 when a minor seeks voluntary addiction treatment).

31 SECTION 101. IC 35-36-2-5 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Except as
 33 provided by subsection (e), whenever a defendant is found guilty but
 34 mentally ill at the time of the crime or enters a plea to that effect that
 35 is accepted by the court, the court shall sentence the defendant in the
 36 same manner as a defendant found guilty of the offense.

37 (b) Before sentencing the defendant under subsection (a), the court
 38 shall require the defendant to be evaluated by a physician licensed

1 under IC 25-22.5 who practices psychiatric medicine, a licensed
2 psychologist, or a community mental health center (as defined in
3 IC 12-7-2-38). However, the court may waive this requirement if the
4 defendant was evaluated by a physician licensed under IC 25-22.5 who
5 practices psychiatric medicine, a licensed psychologist, or a community
6 mental health center and the evaluation is contained in the record of the
7 defendant's trial or plea agreement hearing.

8 (c) If a defendant who is found guilty but mentally ill at the time of
9 the crime is committed to the department of correction, the defendant
10 shall be further evaluated and then treated in such a manner as is
11 psychiatrically indicated for the defendant's mental illness. Treatment
12 may be provided by:

13 (1) the department of correction; or

14 (2) the division of **addiction and** mental health **services** after
15 transfer under IC 11-10-4.

16 (d) If a defendant who is found guilty but mentally ill at the time of
17 the crime is placed on probation, the court may, in accordance with
18 IC 35-38-2-2.3, require that the defendant undergo treatment.

19 (e) As used in this subsection, "mentally retarded individual" has the
20 meaning set forth in IC 35-36-9-2. If a court determines under
21 IC 35-36-9 that a defendant who is charged with a murder for which
22 the state seeks a death sentence is a mentally retarded individual, the
23 court shall sentence the defendant under IC 35-50-2-3(a).

24 SECTION 102. IC 35-36-3-1 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) If at any time
26 before the final submission of any criminal case to the court or the jury
27 trying the case, the court has reasonable grounds for believing that the
28 defendant lacks the ability to understand the proceedings and assist in
29 the preparation of his defense, the court shall immediately fix a time for
30 a hearing to determine whether the defendant has that ability. The court
31 shall appoint two (2) or three (3) competent, disinterested psychiatrists,
32 psychologists endorsed by the Indiana state board of examiners in
33 psychology as health service providers in psychology, or physicians, at
34 least one (1) of whom must be a psychiatrist, who shall examine the
35 defendant and testify at the hearing as to whether the defendant can
36 understand the proceedings and assist in the preparation of the
37 defendant's defense.

38 (b) At the hearing, other evidence relevant to whether the defendant

1 has the ability to understand the proceedings and assist in the
 2 preparation of the defendant's defense may be introduced. If the court
 3 finds that the defendant has the ability to understand the proceedings
 4 and assist in the preparation of the defendant's defense, the trial shall
 5 proceed. If the court finds that the defendant lacks this ability, it shall
 6 delay or continue the trial and order the defendant committed to the
 7 division of **addiction and** mental health **services**, to be confined by the
 8 division in an appropriate psychiatric institution.

9 SECTION 103. IC 35-36-3-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. Whenever the
 11 defendant attains the ability to understand the proceedings and assist
 12 in the preparation of the defendant's defense, the division of **addiction**
 13 **and** mental health **services**, through the superintendent of the
 14 appropriate psychiatric institution, shall certify that fact to the proper
 15 court, which shall enter an order directing the sheriff to return the
 16 defendant. The court may enter such an order immediately after being
 17 sufficiently advised of the defendant's attainment of the ability to
 18 understand the proceedings and assist in the preparation of the
 19 defendant's defense. Upon the return to court of any defendant
 20 committed under section 1 of this chapter, the court shall hold the trial
 21 as if no delay or postponement had occurred.

22 SECTION 104. IC 35-36-3-3 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. Within ninety (90)
 24 days after a defendant's admittance to a psychiatric institution, the
 25 superintendent of the psychiatric institution shall certify to the proper
 26 court whether the defendant has a substantial probability of attaining
 27 the ability to understand the proceedings and assist in the preparation
 28 of the defendant's defense within the foreseeable future. If a substantial
 29 probability does not exist, the division of **addiction and** mental health
 30 **services** shall initiate regular commitment proceedings under IC 12-26.
 31 If a substantial probability does exist, the division of **addiction and**
 32 mental health **services** shall retain the defendant:

- 33 (1) until the defendant attains the ability to understand the
 34 proceedings and assist in the preparation of the defendant's
 35 defense and is returned to the proper court for trial; or
 36 (2) for six (6) months from the date of the defendant's admittance;
 37 whichever first occurs.

38 SECTION 105. IC 35-36-3-4 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. If a defendant who
2 was found under section 3 of this chapter to have had a substantial
3 probability of attaining the ability to understand the proceedings and
4 assist in the preparation of the defendant's defense has not attained that
5 ability within six (6) months after the date of the defendant's
6 admittance to a psychiatric institution, the division of **addiction and**
7 **mental health services** shall institute regular commitment proceedings
8 under IC 12-26.

9 SECTION 106. IC 35-47-2.5-7 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The state police
11 department shall provide its response to a requesting dealer under
12 section 6 of this chapter during the dealer's call, or by return call
13 without delay.

14 (b) If a criminal history check indicates that a prospective purchaser
15 or transferee has a disqualifying criminal record or has been acquitted
16 by reason of insanity and committed to the custody of the division of
17 **addiction and mental health services**, the state police department has
18 until the end of the next business day of the state police department to
19 advise the dealer that the records indicate the buyer or transferee is
20 prohibited from possessing or transporting a firearm by state or federal
21 law.

22 (c) If a dealer:

23 (1) is not advised of a prohibition before the end of the next
24 business day of the state police department; and

25 (2) has fulfilled the requirements of section 4 of this chapter;
26 the dealer may immediately complete the sale or transfer and may not
27 be considered in violation of this chapter with respect to the sale or
28 transfer.

29 (d) In case of electronic failure or other circumstances beyond the
30 control of the state police department, the dealer shall be advised
31 immediately of the reason for the delay and be given an estimate of the
32 length of the delay. However, after a notification under this subsection,
33 the state police department shall inform the requesting dealer whether
34 state police department records indicate the buyer or transferee is
35 prohibited from possessing or transporting a firearm by state or federal
36 law not later than:

37 (1) the end of the next business day of the state police department
38 following correction of the problem that caused the delay; or

1 (2) three (3) business days of the state police department;
2 whichever is earlier.

3 (e) A dealer that fulfills the requirements of section 4 of this chapter
4 and is told by the state police department that a response will not be
5 available under subsection (d) may immediately complete the sale or
6 transfer and may not be considered in violation of this chapter with
7 respect to the sale or transfer.

8 SECTION 107. [EFFECTIVE JULY 1, 1999] **(a) After June 30,**
9 **1999, a reference to the division of mental health in any statute or**
10 **rule is considered a reference to the division of addiction and**
11 **mental health services.**

12 **(b) After June 30, 1999, all property, assets, and liabilities of the**
13 **division of mental health are property, assets, and liabilities of the**
14 **division of addiction and mental health services."**

15 Renumber all SECTIONS consecutively.

(Reference is to SB 260 as printed January 20, 1999.)

and when so amended that said bill do pass.

Representative Brown C