

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

1 Page 3, line 11, delete "." and insert "**and not licensed by the state**
2 **department of health under IC 16-27 or IC 16-28.**"

3 Page 7, between lines 16 and 17, begin a new paragraph and insert:
4 "SECTION 8. IC 12-14-30 IS ADDED TO THE INDIANA CODE
5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2010]:

7 **Chapter 30. Food Stamp Assistance for Individuals With Drug**
8 **Convictions**

9 **Sec. 1. In accordance with 21 U.S.C. 862a(d)(1), the state elects**
10 **to opt out of the application of 21 U.S.C. 862a(a) for individuals**
11 **who meet the requirements of this chapter.**

12 **Sec. 2. Under this chapter, an individual is eligible for food**
13 **stamps if the individual meets all the following requirements:**

14 **(1) The individual was convicted of an offense under IC 35-48**
15 **(controlled substances) for conduct occurring after August 22,**
16 **1996.**

17 **(2) Except for 21 U.S.C. 862a(a), the individual meets the**
18 **federal and Indiana food stamp program requirements.**

19 **(3) The individual has not been convicted of another offense**
20 **under IC 35-48 (controlled substances) in the five (5) years**
21 **preceding the individual's application for food stamps**

1 assistance."

2 Page 11, line 19, after "care." insert "**In adopting rules under this**
3 **subdivision, the division shall consider a proposed rule's impact on**
4 **reimbursement to a provider that is providing care.**".

5 Page 11, between lines 35 and 36, begin a new paragraph and insert:

6 "SECTION 12. IC 12-23-1-9 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 9. ~~One-third (1/3)~~ **(a)**
8 **A part of the total amount** of the federal money earmarked for Drug
9 Abuse and Alcohol Abuse/Alcoholics Efforts received for
10 disbursement by the division shall be used for ~~treatment~~ **local** programs
11 that ~~are not under the direction of a community mental health center or~~
12 ~~a state institution.~~ **provide prevention services and intervention and**
13 **treatment services for individuals who:**

14 **(1) have a primary diagnosis of chronic substance abuse and**
15 **dependence; and**

16 **(2) are without significant or immediate treatment needs for**
17 **mental illness or serious emotional disturbance.**

18 **(b) The amount described in subsection (a) shall be distributed**
19 **to specialty addiction providers that serve the eligible population**
20 **to provide consumer choice based on outcomes determined by the**
21 **division.**

22 SECTION 13. IC 12-23-2-8 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) ~~Except as~~
24 ~~provided in subsection (b);~~ For each state fiscal year, the division shall
25 distribute ~~an amount equal to at least thirty-three percent (33%)~~ **a part**
26 of the total amount received by the division from the addiction services
27 fund established by section 2 of this chapter during the immediately
28 preceding fiscal year to local programs that provide prevention services
29 and intervention and treatment services for individuals who: ~~are:~~

30 ~~(1) psychologically or physiologically dependent upon alcohol or~~
31 ~~other drugs; or~~

32 ~~(2) psychologically dependent on gambling.~~

33 **(1) have a primary diagnosis of chronic substance abuse and**
34 **dependence; and**

35 **(2) are without significant or immediate treatment needs for**
36 **mental illness or serious emotional disturbance.**

37 **(b) The amount described in subsection (a) may not shall be**
38 ~~distributed to a county home; a local mental health program established~~
39 ~~under IC 12-29; or a state institution.~~ **specialty addiction providers**
40 **that serve the eligible population to provide consumer choice based**
41 **on outcomes determined by the division."**

42 Page 12, between lines 32 and 33, begin a new paragraph and insert:

1 **"(c) The division of mental health and addiction may not**
 2 **terminate normal patient care at a facility described in subsection**
 3 **(a)(1) or (a)(2) unless the termination is specifically authorized by**
 4 **a statute enacted by the general assembly or recommended by the**
 5 **council established by section 3.5 of this chapter."**

6 Page 12, reset in roman lines 33 through 38.

7 Page 12, line 38, delete "." and insert "**or recommended by the**
 8 **council established by section 3.5 of this chapter.**

9 SECTION 15. IC 12-24-1-3.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. (a) The council on Evansville**
 12 **state hospitals is established.**

13 **(b) The council consists of the following members:**

14 **(1) One (1) superior court judge having exclusive juvenile**
 15 **jurisdiction in Vanderburgh County, who shall act as**
 16 **chairperson of the council.**

17 **(2) The director of the division of mental health and addiction**
 18 **or the director's designee.**

19 **(3) Two (2) members of the senate, appointed by the president**
 20 **pro tempore of the senate. The members appointed under this**
 21 **subdivision:**

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

23 **(B) must represent Evansville or a surrounding area.**

24 **(4) Two (2) members of the house of representatives,**
 25 **appointed by the speaker of the house of representatives. The**
 26 **members appointed under this subdivision:**

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

28 **(B) must represent Evansville or a surrounding area.**

29 **(5) Two (2) mental health providers that provide mental**
 30 **health services in the Evansville area.**

31 **(6) One (1) member who:**

32 **(A) resides in the Evansville area; and**

33 **(B) provides services in the community, including:**

34 **(i) law enforcement services; or**

35 **(ii) children's services.**

36 **(c) The president pro tempore of the senate shall make the**
 37 **appointment set forth in subsection (b)(1) and one (1) of the**
 38 **appointments in subsection (b)(5). The speaker of the house of**
 39 **representatives shall make one (1) of the appointments set forth in**
 40 **subsection (b)(5) and the appointment set forth in subsection (b)(6).**

41 **(d) The council has the following duties:**

42 **(1) Review the following:**

- 1 **(A) The mental health and addiction services available to**
 2 **children in the Evansville area.**
- 3 **(B) The quality of the care provided to patients in a facility**
 4 **described in section 3(a)(1) and 3(a)(2) of this chapter.**
- 5 **(C) The utilization of the facilities and the cause for any**
 6 **underutilization.**
- 7 **(2) Determine the viability and need for the facilities**
 8 **described in section 3(a)(1) and 3(a)(2) of this chapter.**
- 9 **(3) Provide recommendations to:**
- 10 **(A) the office of the secretary; and**
 11 **(B) the general assembly, in electronic format under**
 12 **IC 5-14-6;**
- 13 **concerning the council's findings under this subsection,**
 14 **including whether the council is making a recommendation**
 15 **under section 3 of this chapter.**
- 16 **(e) The division of mental health and addiction shall staff the**
 17 **council.**
- 18 **(f) The expenses of the council shall be paid by the division of**
 19 **mental health and addiction.**
- 20 **(g) A member of the council is not entitled to salary per diem or**
 21 **traveling expenses.**
- 22 **(h) The chairperson shall serve as a nonvoting member. The**
 23 **affirmative votes of a majority of the voting members of the**
 24 **council are required for the council to take action on any**
 25 **recommendation.**
- 26 **(i) This section expires December 31, 2012."**
 27 Page 13, line 42, delete "IC 12-23-1-9; IC 12-23-2-8;".
 28 Renumber all SECTIONS consecutively.
 (Reference is to SB 295 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Miller, Chairperson