

SENATE BILL No. 98

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-24-1-3.

Synopsis: Logansport State Hospital staff and patient levels. Requires the division of mental health and addiction to restore and maintain staffing levels at Logansport State Hospital at the July 1, 2010, level.

Effective: Upon passage.

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January 5, 2011, read first time and referred to Committee on Appropriations.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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SENATE BILL No. 98



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

- 1 SECTION 1. IC 12-24-1-3, AS AMENDED BY P.L.141-2006,
- 2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 3. (a) The director of the division of mental
- 4 health and addiction has administrative control of and responsibility for
- 5 the following state institutions:
- 6 (1) Evansville State Hospital.
- 7 (2) Evansville State Psychiatric Treatment Center for Children.
- 8 (3) Larue D. Carter Memorial Hospital.
- 9 (4) Logansport State Hospital.
- 10 (5) Madison State Hospital.
- 11 (6) Richmond State Hospital.
- 12 (7) Any other state owned or operated mental health institution.
- 13 (b) Subject to the approval of the director of the budget agency and
- 14 the governor, the director of the division of mental health and addiction
- 15 may contract for the management and clinical operation of Larue D.
- 16 Carter Memorial Hospital.
- 17 (c) The following applies only to the institutions described in



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subsection (a)(1) and (a)(2):

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following after December 31, 2001, unless specifically authorized by a statute enacted by the general assembly:

(A) Terminate, in whole or in part, normal patient care or other operations at the facility.

(B) Reduce the staffing levels and classifications below those in effect at the facility on January 1, 2002.

(C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision (1)(C) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2002.

(3) Notwithstanding any other statute or policy, the division of mental health and addiction may not remove, transfer, or discharge any patient at the facility unless the removal, transfer, or discharge is in the patient's best interest and is approved by:

(A) the patient or the patient's parent or guardian;

(B) the individual's gatekeeper; and

(C) the patient's attending physician.

(d) The Evansville State Psychiatric Treatment Center for Children shall remain independent of Evansville State Hospital and the southwestern Indiana community mental health center, and the Evansville State Psychiatric Treatment Center for Children shall continue to function autonomously unless a change in administration is specifically authorized by an enactment of the general assembly.

(e) The following apply only to the institution described in subsection (a)(4):

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following, unless specifically authorized by a statute enacted by the general assembly:

(A) Terminate, in whole or in part, normal patient care or other operations at the facility.

(B) Reduce the staffing levels and classifications below those in effect at the facility on July 1, 2010.

(C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision

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1 (1)(C) so that the staffing levels at the facility are not reduced
 2 below the staffing levels in effect on July 1, 2010.
 3 (3) Notwithstanding any other statute or policy, the division
 4 of mental health and addiction may not remove, transfer, or
 5 discharge any patient at the facility unless the removal,
 6 transfer, or discharge is in the patient's best interest and is
 7 approved by:
 8 (A) the patient or the patient's parent or guardian;
 9 (B) the individual's gatekeeper; and
 10 (C) the patient's attending physician.
 11 (f) The following apply only to the institution described in
 12 subsection (a)(4):
 13 (1) If staffing levels have been reduced from the July 1, 2010,
 14 level, the division of mental health and addiction shall restore
 15 the staffing level to the July 1, 2010, level not later than
 16 October 1, 2011.
 17 (2) If the transfer of patients out of the institution described
 18 in subsection (a)(4) necessitated the new lower staffing levels,
 19 the division of mental health and addiction shall, not later than
 20 October 1, 2011, restore programs that were cut to reduce the
 21 patient levels.
 22 This subsection expires December 31, 2012.
 23 SECTION 2. An emergency is declared for this act.

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