
HOUSE BILL No. 1264

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-23-18-2.5.

Synopsis: Opioid treatment programs. Requires an opioid treatment program to: (1) provide a pregnancy test to female patients who are applying for or receiving treatment in the program; (2) prohibit a pregnant woman from participating in the program; and (3) make certain referrals for a patient who has a positive pregnancy test.

Effective: July 1, 2011.

Stemler, Rhoads, Goodin

January 12, 2011, read first time and referred to Committee on Public Health.

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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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HOUSE BILL No. 1264



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 12-23-18-2.5, AS ADDED BY P.L.116-2008,
- 2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 2.5. (a) An opioid treatment program must
- 4 periodically and randomly test, including before receiving treatment,
- 5 a patient for the following during the patient's treatment by the
- 6 program:
- 7 (1) Methadone.
- 8 (2) Cocaine.
- 9 (3) Opiates.
- 10 (4) Amphetamines.
- 11 (5) Barbiturates.
- 12 (6) Tetrahydrocannabinol.
- 13 (7) Benzodiazepines.
- 14 (8) Any other suspected or known drug that may have been
- 15 abused by the patient.
- 16 **(9) For female patients, a pregnancy test.**
- 17 (b) If a patient tests positive under a test described in subsection (a)



1 for:

2 (1) a controlled substance other than a drug for which the patient

3 has a prescription or that is part of the patient's treatment plan at

4 the opioid treatment program; or

5 (2) an illegal drug other than the drug that is part of the patient's

6 treatment plan at the opioid treatment program;

7 the opioid treatment program and the patient must comply with the

8 requirements under subsection (c).

9 (c) If a patient tests positive under a test for a controlled substance

10 or illegal drug that is not allowed under subsection (b), the following

11 conditions must be met:

12 (1) The opioid treatment program must refer the patient to the

13 onsite physician for a clinical evaluation that must be conducted

14 not more than ten (10) days after the date of the patient's positive

15 test. The physician shall consult with medical and behavioral staff

16 to conduct the evaluation. The clinical evaluation must

17 recommend a remedial action for the patient that may include

18 discharge from the opioid treatment program or amending the

19 treatment plan to require a higher level of supervision.

20 (2) The opioid treatment program may not allow the patient to

21 take any opioid treatment medications from the treatment facility

22 until the patient has completed a clinical assessment under

23 subdivision (1) and has passed a random test. The patient must

24 report to the treatment facility daily, except when the facility is

25 closed, until the onsite physician, after consultation with the

26 medical and behavioral staff, determines that daily treatment is no

27 longer necessary.

28 (3) The patient must take a weekly random test until the patient

29 passes a test under subsection (b).

30 (d) An opioid treatment program must conduct all tests required

31 under this section in an observed manner to assure that a false sample

32 is not provided by the patient.

33 **(e) An opioid treatment program may not allow a pregnant**

34 **woman to participate in the program. If a pregnancy test**

35 **conducted under subsection (a)(9) for a patient tests positive, the**

36 **opioid treatment program shall do the following:**

37 **(1) Prohibit the patient from participating or continuing to**

38 **participate in the program for the term of the pregnancy.**

39 **(2) Refer the patient to a health care provider for prenatal**

40 **care and other medical assistance.**

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