February 17, 2012

ENGROSSED
SENATE BILL No. 24

DIGEST OF SB 24 (Updated February 15, 2012 6:26 pm - DI 77)

Citations Affected: IC 12-7; IC 12-21; IC 12-22; IC 12-23; IC 12-24; IC 25-1; IC 25-23.6.

Synopsis: Mental health issues. Renames the "mental health and addiction advisory council" the "mental health and addiction planning and advisory council" and adds members to consolidate the current council with a body required by federal law. Repeals provisions concerning terms of appointed members and repeals a provision that applies general rules for family and social services administration bodies to the planning and advisory council. Removes a provision under which lay members of the commission on mental health and addiction are ineligible for per diem or traveling expenses. Provides that superintendents of state hospitals serve at the will of the director of the division of mental health and addiction and not for a term of four years. Removes provisions requiring bonds for superintendents of state operated facilities. Gives the director of the division of mental health and addiction instead of the superintendent of each hospital the authority to regulate smoking at state hospitals. Requires individuals applying for a social worker, marriage and family therapist, or counselor license to have a criminal history background check.
(Continued next page)

Effective: Upon passage; July 1, 2012.

Lawson C, Simpson
(HOUSE SPONSORS — NOE, BROWN C, BROWN T)

January 4, 2012, read first time and referred to Committee on Health and Provider Services.
January 19, 2012, amended, reported favorably — Do Pass.
January 23, 2012, read second time, amended, ordered engrossed.
January 24, 2012, engrossed. Read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

January 31, 2012, read first time and referred to Committee on Public Health.
February 16, 2012, amended, reported — Do Pass.

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Digest Continued

Clarifies a provision that requires an applicant for a license as a marriage and family therapist to have two years of postdegere clinical experience. Reestablishes a provision that expired in 2011 concerning exempting certain individuals from the licensure requirement for addiction counselors. Repeals obsolete provisions concerning: (1) the dawn project; (2) the biennial opioid report; (3) the closing of Central State Hospital; (4) mandated bond requirements for superintendents of state hospitals; and (5) the definition of "maintain". Makes conforming changes. (The introduced version of this bill was prepared by the commission on mental health and addiction.)

C o p y

February 17, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 24

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:

SECTION 1. IC 12-7-2-55.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 55.1. "Dawn project", for purposes of IC 12-22-4, has the meaning set forth in IC 12-22-4-1.~~

SECTION 2. IC 12-7-2-126.1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 126.1. "Maintain", for purposes of IC 12-21-2-3, and IC 12-24-1-7, means that the funding of appropriate placements and services must be continued after the placements and services are created.~~

SECTION 3. IC 12-21-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The division is composed of the following:

(1) The director.

(2) The division of mental health and addiction **planning and** advisory council.

(3) Other personnel necessary for the performance of the functions imposed upon the division under law.

SECTION 4. IC 12-21-4-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "council" refers to the division of mental health and addiction **planning and** advisory council established by this chapter.

SECTION 5. IC 12-21-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The division of mental health and addiction **planning and** advisory council is established. **Any reference in statute or rule to the "mental health and addiction advisory council" is a reference to the mental health and addiction planning and advisory council.**

SECTION 6. IC 12-21-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The council consists of the following ~~eleven (11)~~ **twenty-nine (29)** members, **not less than fifty percent (50%) of whom must be individuals who are not state employees or providers of mental health services:**

(1) The director.

(2) The state superintendent of public instruction or the superintendent's designee.

(3) The director of the office of Medicaid policy and planning, or the director's designee.

(4) The director of the bureau of rehabilitation services or the director's designee.

(5) The executive director of the Indiana housing and community development authority created by IC 5-20-1-3 or the executive director's designee.

(6) The director of the criminal justice institute or the director's designee.

(7) The director of the department of child services or the director's designee.

~~(2) Ten (10)~~ **(8) Twenty-two (22)** individuals **who:**

(A) **are** appointed by the secretary; ~~and~~

(B) ~~who~~ have a recognized knowledge of or interest in the programs administered by the division, **including representatives of parents of children with serious emotional disturbances;**

(C) are appointed for a term of four (4) years; and

(D) serve until a successor is appointed.

SECTION 7. IC 12-21-4-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 4. Each member of the council appointed under section 3(2) of this chapter has a fixed term as provided in IC 12-8-2-4.~~

SECTION 8. IC 12-21-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The director serves as ~~presiding officer~~ **chairperson** of the council **at the first meeting of**

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the council held after July 1 of each year. At the first meeting of the council after July 1 of each year, the director may appoint a chairperson of the council from among the members of the council for a term of one (1) year.

SECTION 9. IC 12-21-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The council shall meet at least ~~monthly~~ **quarterly** and is subject to special meetings at the call of the ~~presiding officer.~~ **chairperson.**

SECTION 10. IC 12-21-4-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. IC 12-8-2 applies to the council.~~

SECTION 11. IC 12-21-4-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 8. (a) This section applies to a member of the council who is appointed under section 3(8) of this chapter.**

(b) Notwithstanding section 3(8)(C) of this chapter, for the appointments made in 2012, eleven (11) members shall be appointed for a term of four (4) years, and eleven (11) members shall be appointed for a term of three (3) years.

SECTION 12. IC 12-21-4-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 9. An individual serving on the council under section 3(1) through 3(7) of this chapter shall serve until the individual no longer holds the individual's office described in section 3(1) through 3(7) of this chapter. The appointing authority for an individual serving on the council under section 3(1) through 3(7) of this chapter shall appoint a replacement for an appointee who ceases to be a member.**

SECTION 13. IC 12-21-4-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10. All members of the council are voting members. A majority of the appointed members constitutes a quorum. The affirmative vote of a majority of the appointed members is required for the council to take any action.**

SECTION 14. IC 12-21-4-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 11. Each member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of**

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administration and approved by the budget agency.

SECTION 15. IC 12-21-6.5-6, AS AMENDED BY P.L.143-2011, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a) Except as provided in subsection (b),~~ The commission shall operate under the policies governing study committees adopted by the legislative council.

~~(b) The members appointed under section 3(2) of this chapter shall serve without receiving per diem or traveling expenses.~~

SECTION 16. IC 12-22-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Dawn Project).

SECTION 17. IC 12-23-18-5.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5.7. (a) The division shall, as part of the biennial report required under IC 12-21-5-1.5(8), prepare and submit to the legislative council in an electronic format under IC 5-14-6, the state department of health, and the governor a report concerning treatment offered by opioid treatment programs. The report must contain the following information for each of the two (2) previous calendar years:~~

~~(1) The number of opioid treatment programs in Indiana.~~

~~(2) The number of patients receiving opioid treatment in Indiana.~~

~~(3) The length of time each patient received opioid treatment and the average length of time all patients received opioid treatment.~~

~~(4) The cost of each patient's opioid treatment and the average cost of opioid treatment.~~

~~(5) The number of patients who were determined to be no longer in need of services and are no longer receiving opioid treatment.~~

~~(6) The number of individuals, by geographic area, who are on a waiting list to receive opioid treatment.~~

~~(7) The patient information reported to the central registry established under section 5.6 of this chapter.~~

~~(8) Any other information that the division determines to be relevant to the success of a quality opioid treatment program.~~

~~(9) The number of patients who tested positive under a test for a controlled substance or illegal drug not allowed under section 2.5(b) of this chapter.~~

~~(b) Each opioid treatment program in Indiana shall provide information requested by the division for the report required by this section.~~

~~(c) Failure of an opioid treatment program to submit the information required under subsection (a) may result in suspension or termination of the opioid treatment program's specific approval to operate as an opioid treatment program or the opioid treatment facility's certification.~~

~~(d) Information that could be used to identify an opioid treatment~~

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~~program patient and that is:~~

~~(1) contained in; or~~

~~(2) provided to the division related to;~~

~~the report required by this section is confidential.~~

SECTION 18. IC 12-24-1-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7. (a) During the closing of Central State Hospital, and after the institution is closed, the division of mental health and addiction shall secure, maintain, and fund appropriate long term inpatient beds for individuals who have been determined by a community mental health center to:~~

~~(1) have a chronic and persistent mental disorder or chronic addictive disorder; and~~

~~(2) be in need of care that meets the following criteria:~~

~~(A) Twenty-four (24) hour supervision of a patient is available.~~

~~(B) A patient receives:~~

~~(i) active treatment as appropriate for a chronic and persistent mental disorder or chronic addictive disorder;~~

~~(ii) case management services from a state approved provider; and~~

~~(iii) maintenance of care under the direction of a physician.~~

~~(C) Crisis care.~~

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

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

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

~~(2) The total number of long term inpatient beds may not be less than twenty-one (21) adults per one hundred thousand (100,000) adults in the catchment area served by Central State Hospital. The division may reduce the total number of long term inpatient beds required by this subdivision whenever the division determines that caseloads justify a reduction. However:~~

~~(A) the total number of long term inpatient beds may not be reduced below the number required by subdivision (1); and~~

~~(B) the number of long term inpatient beds in the county where the hospital was located may not be reduced below the~~

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~~number required by subdivision (1).~~

~~(d) The division is not required to secure, maintain, and fund long term inpatient beds under this section that exceed the number of individuals who have been determined by a community mental health center to be in need of inpatient care under subsection (a). However, subject to the limitations of subsection (c), the division shall at all times retain the ability to secure, maintain, and fund long term inpatient beds for individuals who satisfy the criteria in subsection (a) as determined by the community mental health centers.~~

~~(e) An individual may not be placed in a long term inpatient bed under this section at Larue D. Carter Memorial Hospital if the placement adversely affects the research and teaching mission of the hospital.~~

~~(f) Notwithstanding any other law, the director of the division of mental health and addiction may not terminate normal patient care or other operations at Central State Hospital unless the division has developed a plan to comply with this section. Before closing Central State Hospital, the director shall submit a report in an electronic format under IC 5-14-6 to the legislative council containing the following information:~~

~~(1) The plans the division has made and implemented to comply with this section.~~

~~(2) The disposition of patients made and to be made from July 1, 1993, to the estimated date of closing of Central State Hospital.~~

~~(3) Other information the director considers relevant.~~

SECTION 19. IC 12-24-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~(a) Except as provided in subsection (b),~~ A superintendent serves ~~a term of four (4) years.~~ **at the pleasure of the director.**

~~(b) Subject to the approval of the governor, the director may remove a superintendent at any time.~~

SECTION 20. IC 12-24-2-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6. A superintendent shall furnish a bond as required by IC 12-24-3-3.~~

SECTION 21. IC 12-24-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) Notwithstanding IC 12-27-3-3, the ~~superintendent of a state institution~~ **director** has complete authority to regulate smoking (as defined in IC 16-41-37-3) within ~~the~~ **a** state institution.

(b) A physician licensed under IC 25-22.5 may prescribe nicotine as is medically necessary for a resident of a state institution.

SECTION 22. IC 12-24-3-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) As used in this section, "employee" includes the superintendent of an institution.

(b) The director may require an employee of a state institution to furnish a bond in an amount determined by the director. ~~The director shall require a superintendent to furnish a bond in an amount determined by the director.~~

(c) A bond required by this section must be:

(1) payable to the state;

(2) conditioned upon the faithful performance of the employee's duties;

(3) subject to the approval of the insurance commissioner; and

(4) filed in the office of the secretary of state.

(d) The premiums for a bond required by this section shall be paid from the money of the division.

(e) The division may secure a standard form blanket bond or crime insurance policy endorsed to include faithful performance that covers all or any part of the employees of the division. A blanket bond or crime insurance policy secured by the division under this subsection must be in an amount of at least fifty thousand dollars ($50,000).

(f) The commissioner of insurance shall prescribe the form of the bonds or crime policies required by this section.

SECTION 23. IC 25-1-1.1-4, AS ADDED BY P.L.155-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).

(2) IC 25-10 (chiropractors).

(3) IC 25-13 (dental hygienists).

(4) IC 25-14 (dentists).

(5) IC 25-14.5 (dietitians).

(6) IC 25-17.3 (genetic counselors).

(7) IC 25-19 (health facility and residential care facility administrators).

(8) IC 25-21.8 (massage therapists).

(9) IC 25-22.5 (physicians).

(10) IC 25-23 (nurses).

(11) IC 25-23.5 (occupational therapists).

(12) IC 25-23.6 (social workers, marriage and family therapists, and counselors).

~~(12)~~ **(13)** IC 25-24 (optometrists).

~~(13)~~ **(14)** IC 25-26 (pharmacists).

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~~(14)~~ **(15)** IC 25-27 (physical therapists).
~~(15)~~ **(16)** IC 25-27.5 (physician assistants).
~~(16)~~ **(17)** IC 25-29 (podiatrists).
~~(17)~~ **(18)** IC 25-33 (psychologists).
~~(18)~~ **(19)** IC 25-34.5 (respiratory care practitioners).
~~(19)~~ **(20)** IC 25-35.6 (speech pathologists and audiologists).
~~(20)~~ **(21)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 24. IC 25-23.6-8-2.7, AS AMENDED BY P.L.177-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

(1) graduation; or
(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of **postdegree** clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

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(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(g) A doctoral internship may be applied toward the supervised work experience requirement.

(h) Except as provided in subsection (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 25. IC 25-23.6-10.5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:**

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(1) Holds:

(A) before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution; or

(B) a valid:

(i) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(ii) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Files an initial application to the board before December 31, 2012.

(b) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(2) Has at least five (5) years of clinical addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Holds a license in good standing as a:

(A) clinical social worker under IC 25-23.6-5-2;

(B) marriage and family therapist under IC 25-23.6-8-1;

(C) mental health counselor under IC 25-23.6-8.5-1; or

(D) psychologist under IC 25-33-1-5.1.

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(5) Files an initial application with the board before December 31, 2012.

(c) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds a valid:

(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(2) Has at least ten (10) years of addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Files an initial application with the board before December 31, 2012.

(d) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Has at least three (3) years of addiction counseling experience.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Holds a license in good standing as a:

(A) social worker under IC 25-23.6-5-1;

(B) clinical social worker under IC 25-23.6-5-2;

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(C) marriage and family therapist under IC 25-23.6-8-1;
(D) mental health counselor under IC 25-23.6-8.5-1; or
(E) psychologist under IC 25-33-1-5.1.
(4) Files an initial application with the board before December 31, 2012.

(e) The board may exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a bachelor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.
(2) Holds the following:
(A) A Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.
(B) Certification at the Internationally Certified Advanced Alcohol and Other Drug Abuse Counselor level from the International Certification and Reciprocity Consortium.
(C) The level of certification from the National Association of Alcohol and Drug Abuse Counselors that the board determines is similar to the Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.
(3) Furnishes satisfactory evidence to the board that the individual does not have a:
(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or
(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
(4) Has at least twenty (20) years of clinical addiction counseling experience.
(5) Files an initial application to the board before December 31, 2012.

(f) An exemption under this section from this article does not include exempting the individual from paying any application or renewal fees.

(g) This section expires December 31, 2012.

SECTION 26. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 13, delete "IC 12-21-4-3(8)." and insert "**section 3(8) of this chapter.**".

Page 3, line 14, delete "IC 12-21-4-3(8)(C)," and insert "**section 3(8)(C) of this chapter,**".

Page 3, line 21, delete "IC 12-21-4-3(1) through IC 12-21-4-3(7)" and insert "**section 3(1) through 3(7) of this chapter**".

Page 3, line 23, delete "IC 12-21-4-3(1) through IC 12-21-4-3(7)." and insert "**section 3(1) through 3(7) of this chapter.**".

Page 3, line 24, delete "IC 12-21-4-3(1)" and insert "**section 3(1) through 3(7) of this chapter**".

Page 3, line 25, delete "through IC 12-21-4-3(7)".

Page 3, line 30, after "of the" insert "**appointed**".

Page 3, line 31, after "of the" insert "**appointed**".

Page 6, line 27, after "(b)," delete "a".

Page 7, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 23. IC 25-1-1.1-4, AS ADDED BY P.L.155-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) This section applies to an individual who is applying for, or will be applying for, an initial license or an initial certificate under one (1) of the following:

(1) IC 25-2.5 (acupuncturists).
(2) IC 25-10 (chiropractors).
(3) IC 25-13 (dental hygienists).
(4) IC 25-14 (dentists).
(5) IC 25-14.5 (dietitians).
(6) IC 25-17.3 (genetic counselors).
(7) IC 25-19 (health facility and residential care facility administrators).
(8) IC 25-21.8 (massage therapists).
(9) IC 25-22.5 (physicians).
(10) IC 25-23 (nurses).
(11) IC 25-23.5 (occupational therapists).
(12) IC 25-23.6 (social workers, marriage and family therapists, and counselors).
~~(12)~~ **(13)** IC 25-24 (optometrists).

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~~(13)~~ **(14)** IC 25-26 (pharmacists).
~~(14)~~ **(15)** IC 25-27 (physical therapists).
~~(15)~~ **(16)** IC 25-27.5 (physician assistants).
~~(16)~~ **(17)** IC 25-29 (podiatrists).
~~(17)~~ **(18)** IC 25-33 (psychologists).
~~(18)~~ **(19)** IC 25-34.5 (respiratory care practitioners).
~~(19)~~ **(20)** IC 25-35.6 (speech pathologists and audiologists).
~~(20)~~ **(21)** IC 25-38.1 (veterinarians).

(b) As used in this chapter, "national criminal history background check" means the criminal history record system maintained by the Federal Bureau of Investigation based on fingerprint identification or any other method of positive identification.

(c) An individual applying for an initial license or initial certificate specified in subsection (a) shall submit to a national criminal history background check at the cost of the individual.

(d) The state police department shall release the results of a national criminal history background check conducted under this section to the Indiana professional licensing agency.

(e) A board, a commission, or a committee may conduct a random audit and require an individual seeking a renewal of a license or a certificate specified in subsection (a) to submit to a national criminal history background check at the cost of the individual.

SECTION 24. IC 25-23.6-10.5-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:**

(1) Holds:

(A) before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution; or

(B) a valid:

(i) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(ii) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

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(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Files an initial application to the board before December 31, 2012.

(b) The board shall exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a master's or doctor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(2) Has at least five (5) years of clinical addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Holds a license in good standing as a:

(A) clinical social worker under IC 25-23.6-5-2;

(B) marriage and family therapist under IC 25-23.6-8-1;

(C) mental health counselor under IC 25-23.6-8.5-1; or

(D) psychologist under IC 25-33-1-5.1.

(5) Files an initial application with the board before December 31, 2012.

(c) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds a valid:

(A) level II or higher certification or the equivalent certification from a credentialing agency approved by the division of mental health and addiction; or

(B) certification as an addiction counselor or addiction therapist from a credentialing agency that is approved by

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the board.

(2) Has at least ten (10) years of addiction counseling experience.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Files an initial application with the board before December 31, 2012.

(d) The board shall exempt an individual from the requirements set forth in this article and grant the individual an addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Has at least three (3) years of addiction counseling experience.

(2) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(3) Holds a license in good standing as a:

(A) social worker under IC 25-23.6-5-1;

(B) clinical social worker under IC 25-23.6-5-2;

(C) marriage and family therapist under IC 25-23.6-8-1;

(D) mental health counselor under IC 25-23.6-8.5-1; or

(E) psychologist under IC 25-33-1-5.1.

(4) Files an initial application with the board before December 31, 2012.

(e) The board may exempt an individual from the requirements set forth in this article and grant the individual a clinical addiction counselor license if the board has not implemented licensure for clinical addiction counselors and the individual meets the following requirements:

(1) Holds, before December 31, 2012, a bachelor's degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

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(2) Holds the following:

(A) A Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(B) Certification at the Internationally Certified Advanced Alcohol and Other Drug Abuse Counselor level from the International Certification and Reciprocity Consortium.

(C) The level of certification from the National Association of Alcohol and Drug Abuse Counselors that the board determines is similar to the Level IV certification from the Indiana Counselors Association on Alcohol and Drug Abuse.

(3) Furnishes satisfactory evidence to the board that the individual does not have a:

(A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or

(B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.

(4) Has at least twenty (20) years of clinical addiction counseling experience.

(5) Files an initial application to the board before December 31, 2012.

(f) This section expires December 31, 2012.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 24 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 24 be amended to read as follows:

Page 11, line 21, after "(f)" insert "**An exemption under this section from this article does not include exempting the individual from paying any application or renewal fees.**

(g)".

(Reference is to SB 24 as printed January 20, 2012.)

LAWSON C

SENATE MOTION

Madam President: I move that Senate Bill 24 be amended to read as follows:

Page 8, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 25-23.6-8-2.7, AS AMENDED BY P.L.177-2009, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

(1) graduation; or

(2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of **postdegree** clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred

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(500) hours of the postdegree clinical experience that is:

(1) required under subsection (b); and

(2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

(1) retain the hours accumulated before taking the examination;

(2) continue working; and

(3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

(1) Unmarried couples.

(2) Married couples.

(3) Separating or divorcing couples.

(4) Family groups, including children.

(g) A doctoral internship may be applied toward the supervised work experience requirement.

(h) Except as provided in subsection (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.".

Renumber all SECTIONS consecutively.

(Reference is to SB 24 as printed January 20, 2012.)

LAWSON C

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 24, 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:

Page 2, line 20, delete "services." and insert "**services or the director's designee.**".

and when so amended that said bill do pass.

(Reference is to SB 24 as reprinted January 24, 2012.)

BROWN T, Chair

Committee Vote: yeas 9, nays 0.

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