



Reprinted
February 21, 2012

ENGROSSED SENATE BILL No. 24

DIGEST OF SB 24 (Updated February 20, 2012 2:14 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; noncode.

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
(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.

February 20, 2012, read second time, amended, ordered engrossed.

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Digest Continued

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. Clarifies a provision that requires an applicant for a license as a marriage and family therapist to have two years of postdegree 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. Urges the assignment to an interim committee the study of the regulation of pain management facilities and prescribers of controlled substances. (The introduced version of this bill was prepared by the commission on mental health and addiction.)

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Reprinted
February 21, 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.

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:

- 1 SECTION 1. IC 12-7-2-55.1 IS REPEALED [EFFECTIVE JULY
2 1, 2012]. ~~Sec. 55.1: "Dawn project", for purposes of IC 12-22-4, has the~~
3 ~~meaning set forth in IC 12-22-4-1.~~
- 4 SECTION 2. IC 12-7-2-126.1 IS REPEALED [EFFECTIVE JULY
5 1, 2012]. ~~Sec. 126.1: "Maintain", for purposes of IC 12-21-2-3, and~~
6 ~~IC 12-24-1-7, means that the funding of appropriate placements and~~
7 ~~services must be continued after the placements and services are~~
8 ~~created.~~
- 9 SECTION 3. IC 12-21-1-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The division is
11 composed of the following:
- 12 (1) The director.
- 13 (2) The division of mental health and addiction **planning and**
14 **advisory council.**
- 15 (3) Other personnel necessary for the performance of the
16 functions imposed upon the division under law.
- 17 SECTION 4. IC 12-21-4-1 IS AMENDED TO READ AS

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

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

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

15 (1) The director.

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

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

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

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

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

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

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

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

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

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

36 (D) **serve until a successor is appointed.**

37 SECTION 7. IC 12-21-4-4 IS REPEALED [EFFECTIVE JULY 1,
 38 2012]. Sec. 4. Each member of the council appointed under section
 39 3(2) of this chapter has a fixed term as provided in ~~IC 12-8-2-4.~~

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

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

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

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

11 SECTION 11. IC 12-21-4-8 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2012]: **Sec. 8. (a) This section applies to a member of the council
 14 who is appointed under section 3(8) of this chapter.**

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

19 SECTION 12. IC 12-21-4-9 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2012]: **Sec. 9. An individual serving on the council under section
 22 3(1) through 3(7) of this chapter shall serve until the individual no
 23 longer holds the individual's office described in section 3(1)
 24 through 3(7) of this chapter. The appointing authority for an
 25 individual serving on the council under section 3(1) through 3(7) of
 26 this chapter shall appoint a replacement for an appointee who
 27 ceases to be a member.**

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

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



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1 **administration and approved by the budget agency.**

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

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

9 SECTION 16. IC 12-22-4 IS REPEALED [EFFECTIVE JULY 1,
10 2012]. (Dawn Project).

11 SECTION 17. IC 12-23-18-5.7 IS REPEALED [EFFECTIVE JULY
12 1, 2012]. Sec. 5-7: (a) The division shall, as part of the biennial report
13 required under IC 12-21-5-1.5(8), prepare and submit to the legislative
14 council in an electronic format under IC 5-14-6, the state department
15 of health, and the governor a report concerning treatment offered by
16 opioid treatment programs. The report must contain the following
17 information for each of the two (2) previous calendar years:

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

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

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

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

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

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

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

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

32 (9) The number of patients who tested positive under a test for a
33 controlled substance or illegal drug not allowed under section
34 2.5(b) of this chapter.

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

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

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

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1 program patient and that is:

2 (1) contained in; or

3 (2) provided to the division related to;

4 the report required by this section is confidential.

5 SECTION 18. IC 12-24-1-7 IS REPEALED [EFFECTIVE JULY 1,
6 2012]. Sec. 7: (a) During the closing of Central State Hospital; and
7 after the institution is closed; the division of mental health and
8 addiction shall secure; maintain; and fund appropriate long term
9 inpatient beds for individuals who have been determined by a
10 community mental health center to:

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

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

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

16 (B) A patient receives:

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

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

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

22 (C) Crisis care.

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

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

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

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

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

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

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1 number required by subdivision (1):

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

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

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

21 (1) The plans the division has made and implemented to comply
22 with this section:

23 (2) The disposition of patients made and to be made from July 1,
24 1993, to the estimated date of closing of Central State Hospital:

25 (3) Other information the director considers relevant:

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

30 (b) Subject to the approval of the governor, the director may remove
31 a superintendent at any time:

32 SECTION 20. IC 12-24-2-6 IS REPEALED [EFFECTIVE JULY 1,
33 2012]. Sec. 6. A superintendent shall furnish a bond as required by
34 IC 12-24-3-3:

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

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

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



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

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

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

8 (1) payable to the state;

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

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

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

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

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

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

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

27 (1) IC 25-2.5 (acupuncturists).

28 (2) IC 25-10 (chiropractors).

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

30 (4) IC 25-14 (dentists).

31 (5) IC 25-14.5 (dietitians).

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

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

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

36 (9) IC 25-22.5 (physicians).

37 (10) IC 25-23 (nurses).

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

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

41 ~~(12)~~ **(13)** IC 25-24 (optometrists).

42 ~~(13)~~ **(14)** IC 25-26 (pharmacists).

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- 1 ~~(14)~~ **(15)** IC 25-27 (physical therapists).
 2 ~~(15)~~ **(16)** IC 25-27.5 (physician assistants).
 3 ~~(16)~~ **(17)** IC 25-29 (podiatrists).
 4 ~~(17)~~ **(18)** IC 25-33 (psychologists).
 5 ~~(18)~~ **(19)** IC 25-34.5 (respiratory care practitioners).
 6 ~~(19)~~ **(20)** IC 25-35.6 (speech pathologists and audiologists).
 7 ~~(20)~~ **(21)** IC 25-38.1 (veterinarians).
- 8 (b) As used in this chapter, "national criminal history background
 9 check" means the criminal history record system maintained by the
 10 Federal Bureau of Investigation based on fingerprint identification or
 11 any other method of positive identification.
- 12 (c) An individual applying for an initial license or initial certificate
 13 specified in subsection (a) shall submit to a national criminal history
 14 background check at the cost of the individual.
- 15 (d) The state police department shall release the results of a national
 16 criminal history background check conducted under this section to the
 17 Indiana professional licensing agency.
- 18 (e) A board, a commission, or a committee may conduct a random
 19 audit and require an individual seeking a renewal of a license or a
 20 certificate specified in subsection (a) to submit to a national criminal
 21 history background check at the cost of the individual.
- 22 SECTION 24. IC 25-23.6-8-2.7, AS AMENDED BY P.L.177-2009,
 23 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2012]: Sec. 2.7. (a) As used in this section, "first available
 25 examination" means the first examination after the date of:
 26 (1) graduation; or
 27 (2) moving into Indiana;
 28 that has an application deadline that is at least thirty (30) days after the
 29 date of graduation or the date of moving into Indiana, unless the
 30 individual chooses to meet a deadline that is less than thirty (30) days
 31 after either of those events.
- 32 (b) An applicant for a license as a marriage and family therapist
 33 under section 1 of this chapter must have at least two (2) years of
 34 **postdegree** clinical experience, during which at least fifty percent
 35 (50%) of the applicant's clients were receiving marriage and family
 36 therapy services. The applicant's clinical experience must include one
 37 thousand (1,000) hours of postdegree clinical experience and two
 38 hundred (200) hours of postdegree clinical supervision, of which one
 39 hundred (100) hours must be individual supervision, under the
 40 supervision of a licensed marriage and family therapist who has at least
 41 five (5) years of experience or an equivalent supervisor, as determined
 42 by the board.

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

- 4 (1) required under subsection (b); and
 5 (2) accumulated before taking the examination toward licensure
 6 as a marriage and family therapist.

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

- 9 (1) retain the hours accumulated before taking the examination;
 10 (2) continue working; and
 11 (3) not accumulate any additional hours toward licensure as a
 12 marriage and family therapist until passing the examination.

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

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

- 20 (1) Unmarried couples.
 21 (2) Married couples.
 22 (3) Separating or divorcing couples.
 23 (4) Family groups, including children.

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

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

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

- 31 (1) the work is the independent private practice of marriage and
 32 family therapy; and
 33 (2) the work is not performed at a place that has the supervision
 34 of a licensed marriage and family therapist or an equivalent
 35 supervisor, as determined by the board.

36 SECTION 25. IC 25-23.6-10.5-15.5 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: **Sec. 15.5. (a) The board shall**
 39 **exempt an individual from the requirements set forth in this article**
 40 **and grant the individual a clinical addiction counselor license if the**
 41 **board has not implemented licensure for clinical addiction**
 42 **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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- 1 **(5) Files an initial application with the board before December**
- 2 **31, 2012.**
- 3 **(c) The board shall exempt an individual from the requirements**
- 4 **set forth in this article and grant the individual an addiction**
- 5 **counselor license if the board has not implemented licensure for**
- 6 **clinical addiction counselors and the individual meets the following**
- 7 **requirements:**
 - 8 **(1) Holds a valid:**
 - 9 **(A) level II or higher certification or the equivalent**
 - 10 **certification from a credentialing agency approved by the**
 - 11 **division of mental health and addiction; or**
 - 12 **(B) certification as an addiction counselor or addiction**
 - 13 **therapist from a credentialing agency that is approved by**
 - 14 **the board.**
 - 15 **(2) Has at least ten (10) years of addiction counseling**
 - 16 **experience.**
 - 17 **(3) Furnishes satisfactory evidence to the board that the**
 - 18 **individual does not have a:**
 - 19 **(A) conviction for a crime of violence (as defined in**
 - 20 **IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or**
 - 21 **(B) conviction in the previous two (2) years that has a**
 - 22 **direct bearing on the individual's ability to practice**
 - 23 **competently.**
 - 24 **(4) Files an initial application with the board before December**
 - 25 **31, 2012.**
- 26 **(d) The board shall exempt an individual from the requirements**
- 27 **set forth in this article and grant the individual an addiction**
- 28 **counselor license if the board has not implemented licensure for**
- 29 **clinical addiction counselors and the individual meets the following**
- 30 **requirements:**
 - 31 **(1) Has at least three (3) years of addiction counseling**
 - 32 **experience.**
 - 33 **(2) Furnishes satisfactory evidence to the board that the**
 - 34 **individual does not have a:**
 - 35 **(A) conviction for a crime of violence (as defined in**
 - 36 **IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or**
 - 37 **(B) conviction in the previous two (2) years that has a**
 - 38 **direct bearing on the individual's ability to practice**
 - 39 **competently.**
 - 40 **(3) Holds a license in good standing as a:**
 - 41 **(A) social worker under IC 25-23.6-5-1;**
 - 42 **(B) clinical social worker under IC 25-23.6-5-2;**

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- 1 (C) marriage and family therapist under IC 25-23.6-8-1;
- 2 (D) mental health counselor under IC 25-23.6-8.5-1; or
- 3 (E) psychologist under IC 25-33-1-5.1.
- 4 (4) Files an initial application with the board before December
- 5 31, 2012.
- 6 (e) The board may exempt an individual from the requirements
- 7 set forth in this article and grant the individual a clinical addiction
- 8 counselor license if the board has not implemented licensure for
- 9 clinical addiction counselors and the individual meets the following
- 10 requirements:
- 11 (1) Holds, before December 31, 2012, a bachelor's degree in a
- 12 human services or behavioral science discipline from an
- 13 eligible postsecondary educational institution.
- 14 (2) Holds the following:
- 15 (A) A Level IV certification from the Indiana Counselors
- 16 Association on Alcohol and Drug Abuse.
- 17 (B) Certification at the Internationally Certified Advanced
- 18 Alcohol and Other Drug Abuse Counselor level from the
- 19 International Certification and Reciprocity Consortium.
- 20 (C) The level of certification from the National Association
- 21 of Alcohol and Drug Abuse Counselors that the board
- 22 determines is similar to the Level IV certification from the
- 23 Indiana Counselors Association on Alcohol and Drug
- 24 Abuse.
- 25 (3) Furnishes satisfactory evidence to the board that the
- 26 individual does not have a:
- 27 (A) conviction for a crime of violence (as defined in
- 28 IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or
- 29 (B) conviction in the previous two (2) years that has a
- 30 direct bearing on the individual's ability to practice
- 31 competently.
- 32 (4) Has at least twenty (20) years of clinical addiction
- 33 counseling experience.
- 34 (5) Files an initial application to the board before December
- 35 31, 2012.
- 36 (f) An exemption under this section from this article does not
- 37 include exempting the individual from paying any application or
- 38 renewal fees.
- 39 (g) This section expires December 31, 2012.
- 40 SECTION 26. [EFFECTIVE JULY 1, 2012] (a) As used in this
- 41 SECTION, "pain management facility" means a facility:
- 42 (1) in which the primary component of practice at the facility

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1 **is the treatment of pain; or**
2 **(2) that advertises for the treatment of pain; and**
3 **the majority of patients at the facility are prescribed controlled**
4 **substances or other drugs.**
5 **(b) The general assembly urges the legislative council to assign**
6 **to a study committee, for study during the 2012 legislative interim,**
7 **the topic of pain management facilities, including the following:**
8 **(1) The effectiveness of current laws and rules in Indiana to**
9 **regulate and monitor pain management facilities and**
10 **prescribers of controlled substances.**
11 **(2) Programs and regulations in other states that effectively**
12 **regulate and monitor pain management facilities and**
13 **prescribers of controlled substances.**
14 **(c) If the topic of pain management facilities is assigned to a**
15 **study committee, the study committee shall issue a final report to**
16 **the legislative council containing the study committee's findings**
17 **and recommendations, including any recommended legislation**
18 **concerning the topic, not later than November 1, 2012.**
19 **(d) This SECTION expires June 30, 2013.**
20 **SECTION 27. 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).**
- (+2) (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

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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.

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 24 be amended to read as follows:

Page 12, between lines 39 and 40, begin a new paragraph and insert:
 "SECTION 25. [EFFECTIVE JULY 1, 2012] **(a) As used in this**

SECTION, "pain management facility" means a facility:

(1) in which the primary component of practice at the facility is the treatment of pain; or

(2) that advertises for the treatment of pain; and the majority of patients at the facility are prescribed controlled substances or other drugs.

(b) The general assembly urges the legislative council to assign to a study committee, for study during the 2012 legislative interim, the topic of pain management facilities, including the following:

(1) The effectiveness of current laws and rules in Indiana to regulate and monitor pain management facilities and prescribers of controlled substances.

(2) Programs and regulations in other states that effectively regulate and monitor pain management facilities and prescribers of controlled substances.

(c) If the topic of pain management facilities is assigned to a study committee, the study committee shall issue a final report to the legislative council containing the study committee's findings and recommendations, including any recommended legislation



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concerning the topic, not later than November 1, 2012.

(d) This SECTION expires June 30, 2013."

Renumber all SECTIONS consecutively.

(Reference is to ESB 24 as printed February 17, 2012.)

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