
SENATE BILL No. 24

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-21; IC 12-22-4; IC 12-23-18-5.7; IC 12-24.

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 on 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 on mental health and addiction instead of the superintendent of each hospital the authority to regulate smoking at state hospitals. 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.)

Effective: Upon passage; July 1, 2012.

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January 4, 2012, read first time and referred to Committee on Health and Provider Services.



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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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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



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.**

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

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

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

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

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

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

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

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

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 IC 12-21-4-4 IS REPEALED [EFFECTIVE JULY 1,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

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

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

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

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

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

14 **(b) Notwithstanding IC 12-21-4-3(8)(C), for the appointments**
 15 **made in 2012, eleven (11) members shall be appointed for a term**
 16 **of four (4) years, and eleven (11) members shall be appointed for**
 17 **a term of three (3) years.**

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

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

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

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

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

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

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

- 17 (1) The number of opioid treatment programs in Indiana.
- 18 (2) The number of patients receiving opioid treatment in Indiana.
- 19 (3) The length of time each patient received opioid treatment and
 20 the average length of time all patients received opioid treatment.
- 21 (4) The cost of each patient's opioid treatment and the average
 22 cost of opioid treatment.
- 23 (5) The number of patients who were determined to be no longer
 24 in need of services and are no longer receiving opioid treatment.
- 25 (6) The number of individuals, by geographic area, who are on a
 26 waiting list to receive opioid treatment.
- 27 (7) The patient information reported to the central registry
 28 established under section 5.6 of this chapter.
- 29 (8) Any other information that the division determines to be
 30 relevant to the success of a quality opioid treatment program.
- 31 (9) The number of patients who tested positive under a test for a
 32 controlled substance or illegal drug not allowed under section
 33 2.5(b) of this chapter.

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

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

41 (d) Information that could be used to identify an opioid treatment
 42 program patient and that is:

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1 (1) contained in; or
 2 (2) provided to the division related to;
 3 the report required by this section is confidential.
 4 SECTION 18. IC 12-24-1-7 IS REPEALED [EFFECTIVE JULY 1,
 5 2012]. Sec. 7. (a) During the closing of Central State Hospital; and
 6 after the institution is closed; the division of mental health and
 7 addiction shall secure; maintain; and fund appropriate long term
 8 inpatient beds for individuals who have been determined by a
 9 community mental health center to:
 10 (1) have a chronic and persistent mental disorder or chronic
 11 addictive disorder; and
 12 (2) be in need of care that meets the following criteria:
 13 (A) Twenty-four (24) hour supervision of a patient is
 14 available.
 15 (B) A patient receives:
 16 (i) active treatment as appropriate for a chronic and
 17 persistent mental disorder or chronic addictive disorder;
 18 (ii) case management services from a state approved
 19 provider; and
 20 (iii) maintenance of care under the direction of a physician.
 21 (C) Crisis care.
 22 (b) An individual placed in a long term inpatient bed under this
 23 section shall receive at least the care described in subsection (a)(2)(A)
 24 through (a)(2)(C).
 25 (c) The number of long term inpatient beds that must be secured;
 26 maintained; and funded under subsection (a) must satisfy both of the
 27 following:
 28 (1) The number of long term inpatient beds in the county where
 29 the hospital was located may not be less than twenty-one (21)
 30 adults per one hundred thousand (100,000) adults in the county
 31 where the hospital was located.
 32 (2) The total number of long term inpatient beds may not be less
 33 than twenty-one (21) adults per one hundred thousand (100,000)
 34 adults in the catchment area served by Central State Hospital. The
 35 division may reduce the total number of long term inpatient beds
 36 required by this subdivision whenever the division determines
 37 that caseloads justify a reduction. However:
 38 (A) the total number of long term inpatient beds may not be
 39 reduced below the number required by subdivision (1); and
 40 (B) the number of long term inpatient beds in the county
 41 where the hospital was located may not be reduced below the
 42 number required by subdivision (1).

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

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

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

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

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

24 (3) Other information the director considers relevant.

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

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

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

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

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

41 SECTION 22. IC 12-24-3-3 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2012] : Sec. 3. (a) As used in this

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1 section, "employee" includes the superintendent of an institution.
 2 (b) The director may require an employee of a state institution to
 3 furnish a bond in an amount determined by the director. ~~The director~~
 4 ~~shall require a superintendent to furnish a bond in an amount~~
 5 ~~determined by the director.~~
 6 (c) A bond required by this section must be:
 7 (1) payable to the state;
 8 (2) conditioned upon the faithful performance of the employee's
 9 duties;
 10 (3) subject to the approval of the insurance commissioner; and
 11 (4) filed in the office of the secretary of state.
 12 (d) The premiums for a bond required by this section shall be paid
 13 from the money of the division.
 14 (e) The division may secure a standard form blanket bond or crime
 15 insurance policy endorsed to include faithful performance that covers
 16 all or any part of the employees of the division. A blanket bond or
 17 crime insurance policy secured by the division under this subsection
 18 must be in an amount of at least fifty thousand dollars (\$50,000).
 19 (f) The commissioner of insurance shall prescribe the form of the
 20 bonds or crime policies required by this section.
 21 **SECTION 23. An emergency is declared for this act.**

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