

SENATE BILL No. 171

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-2.7; IC 12-21-5-1.5.

Synopsis: Forensic addiction fund. Creates the forensic addiction fund to create a funding source for grants to probation departments and community corrections programs to increase substance abuse treatment access for individuals on probation or in a community corrections program. Provides that the division of mental health and addiction administers the fund. (The introduced version of this bill was prepared by the commission on mental health and addiction.)

Effective: 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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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. 171



A BILL FOR AN ACT to amend the Indiana Code concerning corrections and to make an appropriation.

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

1 SECTION 1. IC 11-13-2.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]:

4 **Chapter 2.7. Forensic Addiction Fund**

5 **Sec. 1. As used in this chapter, "fund" refers to the forensic**
6 **addiction fund established by section 2 of this chapter.**

7 **Sec. 2. (a) The forensic addiction fund is established to provide**
8 **grants under section 3 of this chapter. The fund shall be**
9 **administered by the division of mental health and addiction**
10 **established under IC 12-21.**

11 **(b) Sources of money for the fund consist of the following:**

12 **(1) Appropriations from the general assembly.**

13 **(2) Donations, gifts, and money received from any other**
14 **source, including transfers from other funds or accounts.**

15 **(c) The expenses of administering the fund shall be paid from**
16 **money in the fund.**

17 **(d) The treasurer of state shall invest the money in the fund not**



1 currently needed to meet the obligations of the fund in the same
2 manner as other public money may be invested. Interest that
3 accrues from these investments shall be deposited in the fund.

4 (e) Money in the fund at the end of a state fiscal year does not
5 revert to the state general fund.

6 (f) Money in the fund is appropriated continuously for the
7 purposes stated in section 3 of this chapter.

8 Sec. 3. (a) The division of mental health and addiction may
9 award a grant from the fund to a probation department or a
10 community corrections program to increase substance abuse
11 treatment access for individuals on probation or individuals placed
12 in a community corrections program who are under court
13 supervision and who have been diagnosed with a substance abuse
14 disorder or co-occurring disorder.

15 (b) To receive a grant under this section, a probation
16 department or community corrections program and the agency
17 that will be providing treatment if the grant is approved must
18 submit an application to the division:

- 19 (1) on a form; and
 - 20 (2) in the manner;
- 21 prescribed by the division.

22 (c) The division shall determine the amount of a grant awarded
23 under this section in consultation with the Indiana judicial center
24 and the local probation department or community corrections
25 program.

26 (d) Mental health and substance abuse counseling provided by
27 grants under this section must be contracted for with a certified
28 mental health or addiction provider as determined by the division
29 of mental health and addiction.

30 Sec. 4. The division shall adopt rules under IC 4-22-2 necessary
31 to implement this chapter.

32 SECTION 2. IC 12-21-5-1.5, AS AMENDED BY P.L.143-2011,
33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2012]: Sec. 1.5. The division shall do the following:

- 35 (1) Adopt rules under IC 4-22-2 to establish and maintain criteria
36 to determine patient eligibility and priority for publicly supported
37 mental health and addiction services. The rules must include
38 criteria for patient eligibility and priority based on the following:
39 (A) A patient's income.
40 (B) A patient's level of daily functioning.
41 (C) A patient's prognosis.
- 42 (2) Within the limits of appropriated funds, contract with a

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- 1 network of providers to provide services in an appropriate setting
2 that is the least restrictive to individuals who qualify for the
3 services.
- 4 (3) Require the providers of services funded directly by the
5 division to be in good standing with an appropriate accrediting
6 body as required by rules adopted under IC 4-22-2 by the
7 division.
- 8 (4) Develop a provider profile that must be used to evaluate the
9 performance of a provider. A provider's profile must include input
10 from consumers, citizens, and representatives of the mental health
11 ombudsman program (IC 12-27-9) regarding the provider's:
12 (A) information provided to the patient on patient rights before
13 treatment;
14 (B) accessibility, acceptability, and continuity of services
15 provided or requested; and
16 (C) total cost of care per individual, using state administered
17 funds.
- 18 (5) Ensure compliance with all other performance criteria set
19 forth in a provider contract. In addition to the requirements set
20 forth in IC 12-21-2-7, a provider contract must include the
21 following:
22 (A) A requirement that the standards and criteria used in the
23 evaluation of care plans be available and accessible to the
24 patient.
25 (B) A requirement that the provider involve the patient in the
26 choice of and preparation of the treatment plan to the greatest
27 extent feasible.
28 (C) A provision encouraging the provider to intervene in a
29 patient's situation as early as possible, balancing the patient's
30 right to liberty with the need for treatment.
31 (D) A requirement that the provider set up and implement an
32 internal appeal process for the patient.
- 33 (6) Establish a toll free telephone number that operates during
34 normal business hours for individuals to make comments to the
35 division in a confidential manner regarding services or service
36 providers.
- 37 (7) Develop a confidential system to evaluate complaints and
38 patient appeals received by the division of mental health and
39 addiction and to take appropriate action regarding the results of
40 an investigation. A provider is entitled to request and to have a
41 hearing before information derived from the investigation is
42 incorporated into the provider's profile. Information contained

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1 within the provider profile is subject to inspection and copying
2 under IC 5-14-3-3.
3 **(8) Administer the forensic addiction fund under IC 11-13-2.7.**

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