



March 15, 2013

ENGROSSED
SENATE BILL No. 267

DIGEST OF SB 267 (Updated March 14, 2013 8:29 am - DI 77)

Citations Affected: IC 4-24; IC 12-7; IC 12-9; IC 12-11; IC 12-24; IC 12-26; IC 34-18; noncode.

Synopsis: Mental health matters. Repeals the definition of "state developmental center", and removes references to state developmental centers and the Fort Wayne State Developmental Center, which no longer exist. Changes references from "managed care providers" to "community mental health centers" in statutes concerning mental health home and community based services. Removes a provision specifying an addictions treatment provider as the gatekeeper for an individual entering into an addiction program in a state institution. Requires the commission on mental health and addiction to study certain topics.

Effective: July 1, 2013.

Miller Patricia, Breaux

(HOUSE SPONSORS — CLERE, BROWN C)

January 8, 2013, read first time and referred to Committee on Health and Provider Services.

January 17, 2013, reported favorably — Do Pass.

January 22, 2013, read second time, ordered engrossed.

January 23, 2013, engrossed.

January 28, 2013, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Public Health.

March 14, 2013, amended, reported — Do Pass.

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ES 267—LS 6902/DI 104+



March 15, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 267

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 4-24-6-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section does not apply
3 to a patient
4 (1) in a state developmental center listed in IC 12-24-1-1; or
5 (2) in an institution listed in IC 12-24-1-3 if the patient is in a unit
6 that is a Medicaid certified intermediate care facility for the
7 mentally retarded.
8 (b) Any interest or income derived from the deposit or investment
9 of funds held in trust for any patient or inmate shall be transferred from
10 such trust fund to a special fund to be known as the "patients' recreation
11 fund" or "inmates' recreation fund"; provided, that in the event a trust
12 fund has been established in any institution, which trust fund is in
13 existence on July 1, 1957, and there is a deficiency in the amount of
14 money that properly belongs in such trust fund, the income derived
15 from any trust fund established under the provisions of this chapter
16 shall be paid into the trust fund until the deficiency has been fully paid.
17 SECTION 2. IC 12-7-2-182 IS REPEALED [EFFECTIVE JULY 1,

ES 267—LS 6902/DI 104+



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1 2013]. Sec. 182: "State developmental center", for purposes of
 2 ~~IC 12-11-2.1~~; refers to an institution listed in ~~IC 12-24-1-1~~.

3 SECTION 3. IC 12-7-2-184, AS AMENDED BY P.L.141-2006,
 4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2013]: Sec. 184. (a) "State institution" means an institution:

- 6 (1) owned or operated by the state;
 7 (2) for the observation, care, treatment, or detention of an
 8 individual; and
 9 (3) under the administrative control of a division.

10 (b) The term includes the following:

- 11 (1) Evansville State Hospital.
 12 (2) Evansville State Psychiatric Treatment Center for Children.
 13 ~~(3) Fort Wayne State Developmental Center.~~
 14 ~~(4) (3) Larue D. Carter Memorial Hospital.~~
 15 ~~(5) (4) Logansport State Hospital.~~
 16 ~~(6) (5) Madison State Hospital.~~
 17 ~~(7) (6) Richmond State Hospital.~~

18 SECTION 4. IC 12-9-2-5 IS REPEALED [EFFECTIVE JULY 1,
 19 2013]. Sec. 5: The director has administrative control of and
 20 responsibility for the state owned and operated developmental centers
 21 as provided in ~~IC 12-24-1-1~~.

22 SECTION 5. IC 12-11-1.1-8 IS REPEALED [EFFECTIVE JULY
 23 1, 2013]. Sec. 8: The budget agency shall annually:

- 24 (1) calculate; and
 25 (2) report to the budget committee;

26 any savings realized from the transfer or discharge of individuals with
 27 developmental disabilities from a state developmental center to a
 28 community based resident setting:

29 SECTION 6. IC 12-11-2.1-4, AS AMENDED BY P.L.99-2007,
 30 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2013]: Sec. 4. The bureau shall serve as the placement
 32 authority for individuals with a developmental disability under service
 33 plans developed under this chapter, including all placements in a ~~state~~
 34 ~~developmental center~~ or an intermediate care facility.

35 SECTION 7. IC 12-11-2.1-5, AS AMENDED BY P.L.99-2007,
 36 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2013]: Sec. 5. When authorizing services for an individual
 38 with a developmental disability in a community based setting, the
 39 bureau shall give equal consideration based on need between:

- 40 (1) individuals who resided with a family member, relative, or
 41 guardian immediately before the community based residential
 42 placement; and

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- 1 (2) individuals being placed from:
- 2 (A) a state developmental center;
- 3 (B) (A) an intermediate care facility; or
- 4 (C) (B) a nursing facility.

5 SECTION 8. IC 12-11-2.1-8 IS REPEALED [EFFECTIVE JULY
6 1, 2013]. Sec. 8. If an individual with a developmental disability
7 committed to a state developmental center is placed on outpatient
8 status under IC 12-26-14, the bureau shall monitor the individual's
9 compliance with the individual's service plan during the period that the
10 individual is in outpatient status.

11 SECTION 9. IC 12-24-1-1 IS REPEALED [EFFECTIVE JULY 1,
12 2013]. Sec. 1. The director of the division of disability and
13 rehabilitative services has administrative control of and responsibility
14 for the following state institutions:

- 15 (1) Fort Wayne State Developmental Center.
- 16 (2) Any other state owned or operated developmental center.

17 SECTION 10. IC 12-24-11-3, AS AMENDED BY P.L.99-2007,
18 SECTION 118, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2013]: Sec. 3. Immediately upon receiving a
20 patient's medical records or a patient's name and address under section
21 2 of this chapter, IC 12-24-12, or IC 12-26-11, the community mental
22 health center the managed care provider, or the local agency serving
23 the needs of individuals with a developmental disability shall do the
24 following:

- 25 (1) Contact:
 - 26 (A) the patient; or
 - 27 (B) the patient's parent or guardian if the patient is not
 - 28 competent.
- 29 (2) Explain the types of services that are available to the patient
30 in the area in which the patient will reside.

31 SECTION 11. IC 12-24-12-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The division shall
33 contract with managed care providers community mental health
34 centers to administer a system of community based gatekeepers to
35 monitor each individual from the time the individual has been
36 involuntarily committed to a state institution administered by the
37 division until the individual is discharged from the commitment.

38 SECTION 12. IC 12-24-12-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Before an
40 individual described in section 2 of this chapter is discharged or placed
41 on outpatient status under IC 12-26, a discharge plan shall be
42 formulated in consultation with the patient's designated case manager.

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1 The superintendent shall provide copies of the individual's plan of
 2 discharge or placement to a community mental health center ~~or a~~
 3 ~~managed care provider~~ serving the area in which the individual will
 4 reside. The plan must include the following:

- 5 (1) A copy of the papers authorizing the discharge or placement.
- 6 (2) An assessment of the individual's mental health.
- 7 (3) The superintendent's recommendations concerning the
- 8 follow-up treatment services and the specific residential
- 9 placement that the individual should receive after the individual
- 10 is discharged or placed.
- 11 (4) If the individual has been placed on outpatient status, a
- 12 description of the conditions relating to the individual's
- 13 placement.

14 (b) If the plan provided to the ~~managed care provider~~ or community
 15 mental health center under subsection (a) recommends or requires that
 16 an individual receive treatment from another treatment provider, the
 17 ~~managed care provider~~ or community mental health center shall
 18 document the following:

- 19 (1) Whether the initial contact with the treatment provider
- 20 occurred.
- 21 (2) Whether treatment was rendered according to the
- 22 recommendations in the individual's plan.
- 23 (3) What changes, if any, were made in the individual's plan by
- 24 the treatment provider.

25 (c) If the plan provided to the ~~managed care provider~~ **community**
 26 **mental health center** under subsection (a) recommends or requires
 27 that an individual reside at a location designated by the superintendent
 28 in the plan, the case manager shall monitor whether the individual is
 29 residing at the location.

30 SECTION 13. IC 12-24-12-4 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a ~~managed care~~
 32 ~~provider~~ **community mental health center** is aware of problems with
 33 continuity of care for a discharged or placed individual, the ~~managed~~
 34 ~~care provider~~ **community mental health center** shall contact:

- 35 (1) the discharged or placed individual;
- 36 (2) the treatment provider;
- 37 (3) the residential provider; or
- 38 (4) the state institution from which the individual has been
- 39 discharged or placed;

40 and attempt to resolve any problems.

41 (b) If the treatment or residential problems continue and are
 42 significant, the ~~managed care provider~~ **community mental health**

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- 1 **center** shall report these findings to the director.
- 2 SECTION 14. IC 12-24-12-10, AS AMENDED BY P.L.114-2012,
 3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2013]: Sec. 10. (a) Upon admission to a state institution
 5 administered by the division of mental health and addiction, the
 6 gatekeeper is one (1) of the following:
- 7 (1) For an individual with a psychiatric disorder, the community
 8 mental health center that submitted the report to the committing
 9 court under IC 12-26.
- 10 (2) For an individual with a developmental disability, a division
 11 of disability and rehabilitative services service coordinator under
 12 IC 12-11-2.1.
- 13 ~~(3) For an individual entering an addictions program, an
 14 addictions treatment provider that is certified by the division of
 15 mental health and addiction.~~
- 16 (b) The division is the gatekeeper for the following:
- 17 (1) An individual who is found to have insufficient
 18 comprehension to stand trial under IC 35-36-3.
- 19 (2) An individual who is found to be not guilty by reason of
 20 insanity under IC 35-36-2-4 and is subject to a civil commitment
 21 under IC 12-26.
- 22 (3) An individual who is immediately subject to a civil
 23 commitment upon the individual's release from incarceration in
 24 a facility administered by the department of correction or the
 25 Federal Bureau of Prisons, or upon being charged with or
 26 convicted of a forcible felony (as defined by IC 35-31.5-2-138).
- 27 (4) An individual placed under the supervision of the division for
 28 addictions treatment under IC 12-23-7 and IC 12-23-8.
- 29 (5) An individual transferred from the department of correction
 30 under IC 11-10-4.
- 31 SECTION 15. IC 12-24-19-7 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) As used in this
 33 section, "transitional care" means temporary treatment services to
 34 facilitate an individual's:
- 35 (1) transfer from a mental health institution to a community
 36 residential setting; or
- 37 (2) discharge from a mental health institution.
- 38 (b) The transitional care program shall assist consumers in making
 39 a smooth adjustment to community living and operate in collaboration
 40 with a ~~managed care provider~~ **community mental health center** of
 41 services in the consumer's home area.
- 42 (c) Resources for the program shall come from the total

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1 appropriation for the facility, and may be adjusted to meet the needs of
2 consumer demand by the director.

3 (d) Each state institution administered by the division of mental
4 health and addiction shall establish a transitional care program with
5 adequate staffing patterns and employee skill levels for patients'
6 transitional care needs where clinically appropriate.

7 (e) The transitional care program shall be staffed by transitional care
8 specialists and at least one (1) transitional care case manager.

9 (f) A transitional care case manager must have at least a bachelor's
10 degree and be trained in transitional care.

11 (g) Psychiatric attendants working in this program shall be trained,
12 classified, and compensated as appropriate for a transitional care
13 specialist.

14 SECTION 16. IC 12-26-12-1 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as
16 provided in subsection (c), a court that orders a commitment may order
17 the superintendent to notify the petitioner in the commitment
18 proceeding and other person designated by the court that the committed
19 individual will be discharged.

20 (b) The notice required under subsection (a) shall be given to the
21 petitioner and other person designated by the court at least twenty (20)
22 days before the end of the commitment period.

23 (c) A court may not order the director of a community mental health
24 center ~~or a managed care provider~~ to notify the person who filed a
25 petition with respect to an individual committed to the community
26 mental health center. ~~or the managed care provider.~~

27 SECTION 17. IC 34-18-2-24 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. "Psychiatric
29 hospital" means a private institution licensed under IC 12-25 and
30 public institutions under the administrative control of the director of a
31 division as designated by ~~IC 12-24-1-1 or~~ IC 12-24-1-3.

32 SECTION 18. [EFFECTIVE JULY 1, 2013] **(a) As used in this**
33 **SECTION, "commission" refers to the commission on mental**
34 **health and addiction established by IC 12-21-6.5-2.**

35 **(b) During the 2013 legislative interim, the commission shall**
36 **review, discuss revisions regarding, and make recommendations**
37 **regarding the continued implementation of the children's social,**
38 **emotional, and behavioral health plan, as developed under**
39 **IC 20-19-5. The commission shall consider comments and**
40 **recommendations from governmental agencies and interested**
41 **parties.**

42 **(c) This SECTION expires December 31, 2013.**



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1 SECTION 19. [EFFECTIVE JULY 1, 2013] (a) As used in this
2 SECTION, "commission" refers to the commission on mental
3 health and addiction established by IC 12-21-6.5-2.
4 (b) During the 2013 legislative interim, the commission shall
5 review the operation of existing mental health crisis intervention
6 teams operating in Indiana and make recommendations
7 concerning the best practices necessary to encourage the creation
8 and development of mental health crisis intervention teams in
9 Indiana.
10 (c) This SECTION expires December 31, 2013.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 267 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 11, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 267, 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 6, after line 31, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE JULY 1, 2013] (a) As used in this SECTION, "commission" refers to the commission on mental health and addiction established by IC 12-21-6.5-2.

(b) During the 2013 legislative interim, the commission shall review, discuss revisions regarding, and make recommendations regarding the continued implementation of the children's social, emotional, and behavioral health plan, as developed under IC 20-19-5. The commission shall consider comments and recommendations from governmental agencies and interested parties.

(c) This SECTION expires December 31, 2013.

SECTION 19. [EFFECTIVE JULY 1, 2013] (a) As used in this SECTION, "commission" refers to the commission on mental health and addiction established by IC 12-21-6.5-2.

(b) During the 2013 legislative interim, the commission shall review the operation of existing mental health crisis intervention teams operating in Indiana and make recommendations

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concerning the best practices necessary to encourage the creation and development of mental health crisis intervention teams in Indiana.

(c) This SECTION expires December 31, 2013."

and when so amended that said bill do pass.

(Reference is to SB 267 as printed January 18, 2013.)

CLERE, Chair

Committee Vote: yeas 10, nays 0.

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