

ARTICLE 8. POPULATIONS TO BE SERVED BY MANAGED CARE PROVIDERS FUNDED BY THE DIVISION OF MENTAL HEALTH AND TO BE SERVED BY COMMUNITY MENTAL HEALTH CENTERS

Rule 1. Definitions

440 IAC 8-1-1 Applicability

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 1. The definitions in this rule apply throughout this article. (*Division of Mental Health and Addiction; 440 IAC 8-1-1; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA*)

440 IAC 8-1-2 "Certification" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 2. "Certification" means the process used by the division to document a provider's compliance with the statutory and regulatory requirements for contracting with the division as a managed care provider or community mental health center, including issuance of a certificate if the provider is found to comply with the applicable requirements in this article. (*Division of Mental Health and Addiction; 440 IAC 8-1-2; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA*)

440 IAC 8-1-3 "Community mental health center" or "CMHC" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 3. "Community mental health center" or "CMHC" means a mental health facility that the division has certified as fulfilling the statutory and regulatory requirements to be a community mental health center. (*Division of Mental Health and Addiction; 440 IAC 8-1-3; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA*)

440 IAC 8-1-4 "Continuum of care" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 4. "Continuum of care" means a range of services the provision of which is assured by a managed care provider or a CMHC. The term includes the following:

- (1) Individualized treatment planning to increase patient coping skills and symptom management, which may include any combination of services listed in this section.
- (2) Twenty-four (24) hour a day crisis intervention.
- (3) Case management to fulfill individual patient needs, including assertive case management when indicated.
- (4) Outpatient services, including the following:
 - (A) Intensive outpatient services.
 - (B) Substance abuse services.
 - (C) Counseling and treatment.
- (5) Acute stabilization services, including detoxification services.

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- (6) Residential services.
- (7) Day treatment.
- (8) Family support services.
- (9) Medication evaluation and monitoring.
- (10) Services to prevent unnecessary and inappropriate treatment and hospitalization and the deprivation of a person's liberty.
- (11) In addition to this section, the continuum of care for a compulsive gambling addiction includes the following:
 - (A) Inpatient services.
 - (B) Intensive outpatient services.
 - (C) Referral to and linkage with gambling self-help groups.
 - (D) Financial management counseling.

(Division of Mental Health and Addiction; 440 IAC 8-1-4; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-1-5 "Division" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 5. "Division" means the division of mental health. *(Division of Mental Health and Addiction; 440 IAC 8-1-5; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)*

440 IAC 8-1-6 "Eligible individual" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 6. "Eligible individual" means a person who qualifies under financial and clinical criteria for services under a contract between the division and a managed care provider. *(Division of Mental Health and Addiction; 440 IAC 8-1-6; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)*

440 IAC 8-1-7 "Eligible, nonenrolled individual" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 7. "Eligible, nonenrolled individual" means a person who is eligible to receive services, but for whom no funding is available under the contract between the division and a managed care provider. *(Division of Mental Health and Addiction; 440 IAC 8-1-7; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)*

440 IAC 8-1-8 "Enrolled individual" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2

Sec. 8. "Enrolled individual" means a person who is eligible for services and for whom funding is available to pay for those services under a contract between the division and a managed care provider. *(Division of Mental Health and Addiction; 440 IAC*

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8-1-8; filed Sep 8, 2000, 10:12 a.m.: 24 IR 370; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-1-9 "Managed care provider" defined

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2; IC 12-21-2-7; IC 23-17

Sec. 9. "Managed care provider" means an organization:

(1) that:

(A) for mental health services, is defined under 42 U.S.C. 300x-2(c); or

(B) provides addiction services;

(2) that has entered into a provider agreement with the division under IC 12-21-2-7 to provide a continuum of care in the least restrictive, most appropriate setting; and

(3) that is operated by at least one (1) of the following:

(A) A city, town, county, or other political subdivision of Indiana.

(B) An agency of Indiana or of the United States.

(C) A political subdivision of another state.

(D) A hospital owned or operated by:

(i) a unit of government; or

(ii) a building authority that is organized for the purpose of constructing facilities to be leased to units of government.

(E) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.

(F) A nonprofit corporation incorporated in another state.

(G) A university or college.

(Division of Mental Health and Addiction; 440 IAC 8-1-9; filed Sep 8, 2000, 10:12 a.m.: 24 IR 371; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

Rule 2. Application of Rule

440 IAC 8-2-1 Applicability

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2-40.6

Sec. 1. (a) This rule applies to all managed care providers and community mental health centers certified by the division.

(b) The division must determine whether a managed care provider is eligible to serve a population described in this rule to be funded to provide services to that population.

(c) If a managed care provider is awarded a contract, the managed care provider must provide services from the continuum of care as clinically appropriate to all enrolled individuals within the specific population.

(d) A managed care provider must also provide services to eligible, nonenrolled individuals within that population, within the limits of the resources of the managed care provider.

(e) Community mental health centers must provide the continuum of care as set forth at IC 12-7-2-40.6 to the following populations, without regard to the individual's ability to pay, within the limits of the capacity of the centers, to be certified as a community mental health center:

(1) Seriously mentally ill adults.

(2) Individuals who are chronically addicted.

(3) Seriously emotionally disturbed children and adolescents.

(Division of Mental Health and Addiction; 440 IAC 8-2-1; filed Sep 8, 2000, 10:12 a.m.: 24 IR 371; readopted filed May 10, 2001,

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2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-2-2 Seriously mentally ill adults

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2-40.6

Sec. 2. An adult who is seriously mentally ill is an individual who meets the following requirements:

- (1) The individual is eighteen (18) years of age or older.
- (2) The individual has a mental illness diagnosis under the Diagnostic and Statistical Manual of Mental Disorders, 4th edition, published by the American Psychiatric Association (DSM IV).
- (3) The individual experiences significant functional impairment in two (2) of the following areas:
 - (A) Activities of daily living.
 - (B) Interpersonal functioning.
 - (C) Concentration, persistence, and pace.
 - (D) Adaptation to change.

(4) The duration of the mental illness has been, or is expected to be, in excess of twelve (12) months. However, adults who have experienced a situational trauma do not have to meet the duration requirement.

(Division of Mental Health and Addiction; 440 IAC 8-2-2; filed Sep 8, 2000, 10:12 a.m.: 24 IR 371; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-2-3 Individuals who are chronically addicted

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2-40.6; IC 12-23-1-6

Sec. 3. An individual who is chronically addicted is an individual who meets the following requirements:

- (1) The individual may be any age.
- (2) The individual has a disorder listed as a substance-related disorder in the Diagnostic and Statistical Manual of Mental Disorders, 4th edition, published by the American Psychiatric Association (DSM IV).
- (3) The individual experiences significant functional impairments in two (2) of the following areas:
 - (A) Activities of daily living.
 - (B) Interpersonal functioning.
 - (C) Ability to live without recurrent use of chemicals.
 - (D) Psychological functioning.

(4) The duration of the addiction has been in excess of twelve (12) months. However, individuals who have experienced amnesiac episodes (blackouts), or have experienced convulsions or other serious medical consequences of withdrawal from a chemical of abuse, or who display significant dangerousness as a result of chemical use, do not have to meet the duration requirement.

(Division of Mental Health and Addiction; 440 IAC 8-2-3; filed Sep 8, 2000, 10:12 a.m.: 24 IR 371; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-2-4 Seriously emotionally disturbed children

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2-40.6; IC 12-21-5-2

Sec. 4. An individual who is a seriously emotionally disturbed child is an individual who meets the following requirements:

- (1) The individual is less than eighteen (18) years of age.

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(2) The individual has a mental illness diagnosis under Diagnostic and Statistical Manual of Mental Disorders, 4th edition, published by the American Psychiatric Association (DSM IV).

(3) The individual experiences significant functional impairment in at least one (1) of the following areas:

- (A) Activities of daily living.
- (B) Interpersonal functioning.
- (C) Concentration, persistence, and pace.
- (D) Adaptation to change.

(4) The duration of the mental illness has been, or is expected to be, in excess of twelve (12) months. However, individuals who have experienced a situational trauma, and who are receiving services in two (2) or more community agencies, do not have to meet the duration requirement.

(Division of Mental Health and Addiction; 440 IAC 8-2-4; filed Sep 8, 2000, 10:12 a.m.: 24 IR 372; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

440 IAC 8-2-5 Compulsive gambling addiction

Authority: IC 12-21-2-8; IC 12-21-5-1.5

Affected: IC 12-7-2-40.6; IC 12-23-1-6

Sec. 5. An individual with a compulsive gambling addiction is a person who meets the following requirements:

(1) The individual is any age.

(2) The individual meets the criteria for Axis-I diagnosis of pathological gambling under Diagnostic and Statistical Manual of Mental Disorders, 4th edition, published by the American Psychiatric Association (DSM IV), Diagnosis 312.31, Pathological Gambling.

(3) The individual continues gambling behavior in spite of repetitive harmful consequences.

(Division of Mental Health and Addiction; 440 IAC 8-2-5; filed Sep 8, 2000, 10:12 a.m.: 24 IR 372; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA; readopted filed Aug 11, 2014, 11:21 a.m.: 20140910-IR-440140240RFA; readopted filed Nov 9, 2020, 3:09 p.m.: 20201209-IR-440200502RFA)

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