

IC 12-22-2

Chapter 2. Community Residential Programs

IC 12-22-2-0.3

Termination of unsuccessful sub-acute stabilization programs; expansion or change of location of program must be approved by general assembly

Sec. 0.3. If the division determines that any one (1) of the four (4) sub-acute stabilization programs implemented under IC 12-22-2-3(1), as added by P.L.62-1993, is not successful, the division shall terminate operation of the unsuccessful program. The division may not expand the number of sub-acute stabilization programs or change the location of a program without approval from the general assembly.

As added by P.L.220-2011, SEC.273.

IC 12-22-2-1

Planning and administration of programs

Sec. 1. The division shall plan, develop, and administer programs of community based residential alternatives to placement in state institutions and nursing facilities licensed under IC 16-28 for individuals with a mental illness.

As added by P.L.2-1992, SEC.16. Amended by P.L.78-1992, SEC.25; P.L.2-1993, SEC.113; P.L.99-2007, SEC.109.

IC 12-22-2-2

Simulation of homelike atmosphere

Sec. 2. The programs described in section 1 of this chapter must, to the extent feasible, simulate a homelike atmosphere with patterns and conditions of everyday life that are as close as possible to normal.

As added by P.L.2-1992, SEC.16.

IC 12-22-2-3

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-3.5

Community based residential programs

Sec. 3.5. Community based residential programs include a broad range of living arrangements designed to meet the unique needs of individuals with behavioral health disorders in integrated settings and described in rules adopted by the division under IC 4-22-2.

As added by P.L.143-2011, SEC.24.

IC 12-22-2-4

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-5

Least restrictive placement

Sec. 5. To the extent that programs described in section 3.5 of this chapter are available and meet an individual's needs, an individual should be placed in a program that is the least restrictive.

As added by P.L.2-1992, SEC.16. Amended by P.L.143-2011, SEC.25.

IC 12-22-2-6

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-7

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-8

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-9

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-10

Repealed

(Repealed by P.L.143-2011, SEC.31.)

IC 12-22-2-11

Operation by unlicensed entity; investigations; penalties

Sec. 11. (a) An entity, other than a psychiatric residential treatment facility, may not operate or hold itself out as operating a group home for individuals with serious mental illness (SMI), serious emotional disturbance (SED), or chronic addiction (CA) unless the entity is licensed or certified by the division.

(b) The division of mental health and addiction shall investigate a report of:

- (1) an unlicensed facility housing a community residential program described in section 3.5 of this chapter;
- (2) an uncertified operator of a community residential program described in section 3.5 of this chapter; or
- (3) a licensed or certified entity's noncompliance with this article;

and report the division's findings to the attorney general.

(c) The attorney general may do the following:

- (1) Seek the issuance of a search warrant to assist in an investigation under this section.
- (2) File an action for injunctive relief to stop the operation of a facility described in subsection (b) if there is reasonable cause to believe that:

- (A) the facility or the operator of a community residential

program described in subsection (b) is operating without a required license or certification; or

(B) a licensed or certified entity's actions or omissions create an immediate danger of serious bodily injury to an individual with a mental illness or an imminent danger to the health of an individual with a mental illness.

(3) Seek in a civil action a civil penalty of not more than one hundred dollars (\$100) a day for each day a facility is operating:

(A) without a license or certification required by law; or

(B) with a license or certification required under this chapter, but is not in compliance with this article, IC 12-21-2-3, or rules adopted under this article or IC 12-21-2-3.

(d) The division of mental health and addiction may provide for the removal of individuals with a mental illness from facilities for individuals with a mental illness described in subsection (c).

(e) There must be an opportunity for an informal meeting with the division of mental health and addiction after injunctive relief is ordered under this section.

(f) The civil penalties collected under this section must be deposited in the mental health centers fund (IC 6-7-1-32.1).

As added by P.L.111-1997, SEC.4. Amended by P.L.215-2001, SEC.61; P.L.99-2007, SEC.114; P.L.143-2011, SEC.26.