

**IC 12-24**

**ARTICLE 24. STATE INSTITUTIONS**

**IC 12-24-1**

Chapter 1. Administration of State Institutions

**IC 12-24-1-1**

**Director of division of disability and rehabilitative services**

Sec. 1. The director of the division of disability and rehabilitative services has administrative control of and responsibility for the following state institutions:

(1) Fort Wayne State Developmental Center.

(2) Any other state owned or operated developmental center.

*As added by P.L.2-1992, SEC.18. Amended by P.L.146-1993, SEC.1; P.L.4-1993, SEC.199; P.L.5-1993, SEC.212; P.L.272-1999, SEC.44; P.L.141-2006, SEC.61.*

**IC 12-24-1-2**

**Repealed**

*(Repealed by P.L.146-1993, SEC.3.)*

**IC 12-24-1-3**

**Director of division of mental health and addiction; contracting power; limitations on closure and operation of certain facilities in Evansville**

Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the following state institutions:

(1) Evansville State Hospital.

(2) Evansville State Psychiatric Treatment Center for Children.

(3) Larue D. Carter Memorial Hospital.

(4) Logansport State Hospital.

(5) Madison State Hospital.

(6) Richmond State Hospital.

(7) Any other state owned or operated mental health institution.

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of Larue D. Carter Memorial Hospital.

(c) Before July 1, 2014, the Evansville State Psychiatric Treatment Center for Children and the Evansville State Hospital may not be closed, merged into one (1) facility, or merged with another facility unless:

(1) authorized by an enactment of the general assembly; or

(2) recommended by the council established by section 3.5 of this chapter before January 1, 2014.

*As added by P.L.2-1992, SEC.18. Amended by P.L.215-2001, SEC.64; P.L.192-2002(ss), SEC.154; P.L.141-2006, SEC.62; P.L.229-2011, SEC.147.*

### **IC 12-24-1-3.5**

#### **Council on Evansville state hospitals**

Sec. 3.5. (a) The council on Evansville state hospitals is established.

(b) The council consists of the following members:

(1) One (1) superior court judge having exclusive juvenile jurisdiction in Vanderburgh County, who shall act as chairperson of the council.

(2) The director of the division of mental health and addiction or the director's designee.

(3) Two (2) members of the senate, appointed by the president pro tempore of the senate. The members appointed under this subdivision:

(A) may not be members of the same political party; and

(B) must represent Evansville or a surrounding area.

(4) Two (2) members of the house of representatives, appointed by the speaker of the house of representatives. The members appointed under this subdivision:

(A) may not be members of the same political party; and

(B) must represent Evansville or a surrounding area.

(5) Two (2) mental health providers that provide mental health services in the Evansville area.

(6) One (1) member who:

(A) resides in the Evansville area; and

(B) provides services in the community, including:

(i) law enforcement services; or

(ii) children's services.

(7) The superintendent of the Evansville State Psychiatric Treatment Center for Children, or the superintendent's designee.

(8) The superintendent of the Evansville State Hospital, or the superintendent's designee.

(9) One (1) representative of a statewide mental health association.

(10) One (1) parent of a child who has received services at the Evansville State Psychiatric Treatment Center for Children and who is not associated with the Evansville State Psychiatric Treatment Center for Children or the Evansville State Hospital except as a consumer.

(c) The president pro tempore of the senate shall appoint the members under subsection (b)(1) and (b)(9) and one (1) member under subsection (b)(5). The speaker of the house of representatives shall appoint the members under subsection (b)(6) and (b)(10) and one (1) member under subsection (b)(5).

(d) The council has the following duties:

(1) Review the following:

(A) The mental health and addiction services available to children in the Evansville area.

(B) The quality of the care provided to patients in the facilities described in section 3(a)(1) and 3(a)(2) of this chapter.

- (C) The utilization of the facilities described in section 3(a)(1) and 3(a)(2) of this chapter and the cause for any underutilization.
- (2) Determine the viability and need for the facilities described in section 3(a)(1) and 3(a)(2) of this chapter.
- (3) Provide recommendations to:
- (A) the office of the secretary; and
  - (B) the general assembly, in an electronic format under IC 5-14-6;
- concerning the council's findings under this subsection, including whether the council is making a recommendation under section 3 of this chapter.
- (e) The division of mental health and addiction shall staff the council.
- (f) The expenses of the council shall be paid by the division of mental health and addiction.
- (g) A member of the council is not entitled to a salary per diem or traveling expenses.
- (h) The members described in subsection (b)(7) and (b)(8) shall serve as nonvoting members. The affirmative votes of a majority of the voting members of the council are required for the council to take action on any recommendation.
- (i) This section expires December 31, 2013.
- As added by P.L.229-2011, SEC.148.*

#### **IC 12-24-1-4**

##### **Transfer of patients between state institutions**

Sec. 4. A director, or the directors of the affected state institutions, may do the following:

- (1) Transfer a patient with a developmental disability between state institutions.
- (2) In consultation with the patient's treating physician, transfer a patient with a mental illness between state institutions.

*As added by P.L.2-1992, SEC.18. Amended by P.L.99-2007, SEC.116.*

#### **IC 12-24-1-5**

##### **Exercise of power by director and superintendent restricted**

Sec. 5. (a) If this article grants a director a power, the director may exercise the power with respect to any state institution over which the director has administrative control and responsibility.

(b) If this article grants a superintendent a power, the superintendent may exercise the power only with respect to the state institution under the administrative control of the superintendent.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-1-6**

##### **Construction of terms**

Sec. 6. For purposes of this article, the following apply:

- (1) An official of a state institution is also considered an official

of the state institution's division.

(2) An employee of a state institution is also considered an employee of the state institution's division.

(3) The property of a state institution is also considered the property of the state institution's division.

(4) A rule of a state institution is also considered a rule of the state institution's division.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-1-7**

##### **Closing of Central State Hospital**

Sec. 7. (a) During the closing of Central State Hospital, and after the institution is closed, the division of mental health and addiction shall secure, maintain, and fund appropriate long term inpatient beds for individuals who have been determined by a community mental health center to:

(1) have a chronic and persistent mental disorder or chronic addictive disorder; and

(2) be in need of care that meets the following criteria:

(A) Twenty-four (24) hour supervision of a patient is available.

(B) A patient receives:

(i) active treatment as appropriate for a chronic and persistent mental disorder or chronic addictive disorder;

(ii) case management services from a state approved provider; and

(iii) maintenance of care under the direction of a physician.

(C) Crisis care.

(b) An individual placed in a long term inpatient bed under this section shall receive at least the care described in subsection (a)(2)(A) through (a)(2)(C).

(c) The number of long term inpatient beds that must be secured, maintained, and funded under subsection (a) must satisfy both of the following:

(1) The number of long term inpatient beds in the county where the hospital was located may not be less than twenty-one (21) adults per one hundred thousand (100,000) adults in the county where the hospital was located.

(2) The total number of long term inpatient beds may not be less than twenty-one (21) adults per one hundred thousand (100,000) adults in the catchment area served by Central State Hospital. The division may reduce the total number of long term inpatient beds required by this subdivision whenever the division determines that caseloads justify a reduction. However:

(A) the total number of long term inpatient beds may not be reduced below the number required by subdivision (1); and

(B) the number of long term inpatient beds in the county where the hospital was located may not be reduced below the number required by subdivision (1).

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

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

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

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

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

(3) Other information the director considers relevant.

*As added by P.L.40-1994, SEC.47. Amended by P.L.253-1997(ss), SEC.11; P.L.215-2001, SEC.65; P.L.28-2004, SEC.113.*

#### **IC 12-24-1-8**

##### **Notice regarding requests for names of nursing personnel or direct care staff**

Sec. 8. (a) Each state institution shall post a notice that a resident, the legal representative of the resident, or another individual designated by the resident may request from the individual in charge of each shift information that designates the names of all nursing personnel or direct care staff on duty by job classification for the:

(1) wing;

(2) unit; or

(3) other area as routinely designated by the state institution; where the resident resides.

(b) The notice required under subsection (a) must meet the following conditions:

(1) Be posted in a conspicuous place that is readily accessible to residents and the public.

(2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.

(3) Contain the:

(A) business telephone number of the superintendent of the state institution; and

(B) toll free telephone number for filing complaints with the

division that is administratively in charge of the state institution.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

(A) Contact the superintendent of the state institution.

(B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(c) The director of the:

(1) division of disability and rehabilitative services; and

(2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

*As added by P.L.108-2000, SEC.1. Amended by P.L.215-2001, SEC.66; P.L.141-2006, SEC.63.*

### **IC 12-24-1-9**

#### **Semiannual statistical reports**

Sec. 9. (a) A director shall produce a statistical report semiannually for each state institution that is under the director's administrative control. The statistical report must list the following information:

(1) The number of total hours worked in the state institution by each classification of personnel for which the director maintains data.

(2) The resident census of the state institution for which the director maintains data.

(b) The director shall provide a compilation of the statistical reports prepared under subsection (a) to the following:

(1) Each state institution that is under the director's administrative control.

(2) The adult protective services unit under IC 12-10-3.

(c) Each state institution shall:

(1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and

(2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift.

(d) The notice required under subsection (c)(2) must meet the following conditions:

(1) Be posted in a conspicuous place that is readily accessible to residents and the public.

(2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.

(3) Contain the:

(A) business telephone number of the superintendent of the

state institution; and

(B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

(A) Contact the superintendent of the state institution.

(B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(e) The director of the:

(1) division of disability and rehabilitative services; and

(2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

*As added by P.L.108-2000, SEC.2. Amended by P.L.215-2001, SEC.67; P.L.141-2006, SEC.64.*

#### **IC 12-24-1-10**

#### **Repealed**

*(Repealed by P.L.141-2006, SEC.115.)*