

## **IC 12-24-12**

Chapter 12. Monitoring of Patients Discharged From State Institutions and the Use of Community Residential Programs

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

#### **"Division" defined**

Sec. 1. As used in this chapter, "division" refers only to the division of mental health and addiction.

*As added by P.L.2-1992, SEC.18. Amended by P.L.215-2001, SEC.68.*

### **IC 12-24-12-2**

#### **Community based monitoring system**

Sec. 2. The division shall contract with managed care providers to administer a system of community based gatekeepers to monitor each individual from the time the individual has been involuntarily committed to a state institution administered by the division until the individual is discharged from the commitment.

*As added by P.L.2-1992, SEC.18. Amended by P.L.62-1993, SEC.7; P.L.40-1994, SEC.49; P.L.6-1995, SEC.15.*

### **IC 12-24-12-3**

#### **Plan of discharge or placement on outpatient status of patient; copies; duties regarding treatment or residence**

Sec. 3. (a) Before an individual described in section 2 of this chapter is discharged or placed on outpatient status under IC 12-26, a discharge plan shall be formulated in consultation with the patient's designated case manager. The superintendent shall provide copies of the individual's plan of discharge or placement to a community mental health center or a managed care provider serving the area in which the individual will reside. The plan must include the following:

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

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

- (1) Whether the initial contact with the treatment provider occurred.
- (2) Whether treatment was rendered according to the

recommendations in the individual's plan.

(3) What changes, if any, were made in the individual's plan by the treatment provider.

(c) If the plan provided to the managed care provider under subsection (a) recommends or requires that an individual reside at a location designated by the superintendent in the plan, the case manager shall monitor whether the individual is residing at the location.

*As added by P.L.2-1992, SEC.18. Amended by P.L.40-1994, SEC.50.*

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

##### **Problems observed concerning continuity of care; duties of managed care provider; report**

Sec. 4. (a) If a managed care provider is aware of problems with continuity of care for a discharged or placed individual, the managed care provider shall contact:

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

and attempt to resolve any problems.

(b) If the treatment or residential problems continue and are significant, the managed care provider shall report these findings to the director.

*As added by P.L.2-1992, SEC.18. Amended by P.L.40-1994, SEC.51.*

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

##### **Repealed**

*(Repealed by P.L.40-1994, SEC.83.)*

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

##### **Application of IC 12-24-12-3 and IC 12-24-12-5**

Sec. 6. Sections 3 through 4 of this chapter do not require an individual who has been discharged from a state institution to comply with the plan developed for the individual under section 3 of this chapter or to cooperate with a case manager in the performance of the case manager's duties under sections 3 through 4 of this chapter.

*As added by P.L.2-1992, SEC.18. Amended by P.L.40-1994, SEC.52.*

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

##### **Repealed**

*(Repealed by P.L.40-1994, SEC.83.)*

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

##### **Repealed**

*(Repealed by P.L.40-1994, SEC.83.)*

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

### **Duties of gatekeeper**

Sec. 9. The gatekeeper for an individual who has been committed to a state institution administered by the division has the following duties:

- (1) To provide case management to the individual in both the state institution and the community.
- (2) To facilitate and plan the committed individual's transition from the state institution to the community or to another appropriate placement.

*As added by P.L.6-1995, SEC.16.*

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

#### **Gatekeeper for individual in state institution; division as gatekeeper**

Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

- (1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.
- (2) For an individual with a developmental disability, a division of disability and rehabilitative services service coordinator under IC 12-11-2.1.
- (3) For an individual entering an addictions program, an addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

- (1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.
- (2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.
- (3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony under IC 35-41-1.
- (4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.
- (5) An individual transferred from the department of correction under IC 11-10-4.

*As added by P.L.6-1995, SEC.17. Amended by P.L.24-1997, SEC.56; P.L.272-1999, SEC.46; P.L.215-2001, SEC.69; P.L.141-2006, SEC.66.*

### **IC 12-24-12-11**

#### **Assignment of gatekeeper; time; duration; transferability**

Sec. 11. (a) A gatekeeper must be assigned to an individual at the time of the petition for commitment under IC 12-26-6 and IC 12-26-7.

(b) Except as provided in subsection (c), the entity assigned as the committed individual's gatekeeper shall continue to serve as that individual's gatekeeper until the termination of the individual's commitment.

(c) The assignment of the gatekeeper for an individual may be transferred to another gatekeeper if the transfer is in the best interest of the committed individual.

*As added by P.L.6-1995, SEC.18.*