

## **IC 12-26-11**

### **Chapter 11. Transfer of an Individual**

#### **IC 12-26-11-1**

##### **Transfers; facilities to which transfers may be made; best interest of individual transferred or other patients**

Sec. 1. The superintendent of a facility to which an individual was committed under IC 12-26-6 or IC 12-26-7 or to which the individual's commitment was transferred under this chapter, may transfer the commitment of the individual to:

- (1) a state institution;
- (2) a community mental health center;
- (3) a community mental retardation and other developmental disabilities center;
- (4) a federal facility;
- (5) a psychiatric unit of a hospital licensed under IC 16-21;
- (6) a private psychiatric facility licensed under IC 12-25;
- (7) a community residential program for the developmentally disabled described in IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2); or
- (8) an intermediate care facility for the mentally retarded (ICF/MR) that is licensed under IC 16-28 and is not owned by the state;

if the transfer is likely to be in the best interest of the individual or other patients.

*As added by P.L.2-1992, SEC.20. Amended by P.L.2-1993, SEC.115; P.L.24-1997, SEC.59; P.L.272-1999, SEC.47.*

#### **IC 12-26-11-2**

##### **Declining to admit individual; grounds**

Sec. 2. The superintendent of a facility to which the commitment of an individual is to be transferred may decline to admit the individual if the superintendent determines that adequate space, treatment staff, or treatment facilities appropriate to the needs of the individual are not available.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-11-3**

##### **Medical and treatment records; providing copies to facilities to which individuals transferred**

Sec. 3. If an individual is transferred under section 1 of this chapter, the transferring facility shall provide a copy of the individual's current medical and treatment records to the facility to which the commitment of the individual is transferred.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-11-3.5**

##### **Transfer from state institution to nonstate community or facility; planning and facilitating transition**

Sec. 3.5. If an individual is transferred under section 1 of this

chapter from a state institution administered by the division of mental health and addiction, the gatekeeper for the individual shall facilitate and plan, together with the individual and state institution, the individual's transition to the community or to another facility if the facility is not a state institution administered by the division of mental health and addiction.

*As added by P.L.6-1995, SEC.26. Amended by P.L.215-2001, SEC.74.*

#### **IC 12-26-11-4**

##### **Notice of transfer; persons notified**

Sec. 4. If the commitment of an individual is transferred to another facility under section 1 of this chapter, the transferring facility shall give written notice to each of the following:

- (1) The individual's legal guardian.
- (2) The individual's parents.
- (3) The individual's spouse.
- (4) The individual's attorney, if any.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-11-5**

##### **Transfer to substantially more restrictive environment; administrative hearing**

Sec. 5. (a) As used in this section, "substantially more restrictive environment" means another facility or that part of a facility that is designated as the place providing maximum security for patients.

(b) If the transfer of the commitment of an individual is to a substantially more restrictive environment, the transferring facility shall provide the individual with an opportunity for an administrative hearing within ten (10) days after the transfer.

*As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.59.*

#### **IC 12-26-11-6**

##### **Petition to set aside transfer**

Sec. 6. An individual whose commitment is transferred under section 1 of this chapter may, within thirty (30) days after the transfer, petition the committing court for an order setting aside the transfer and ordering the individual and the individual's medical and treatment records returned to the facility to which the court originally committed the individual.

*As added by P.L.2-1992, SEC.20.*