

## **IC 12-26-14**

### **Chapter 14. Outpatient Therapy**

#### **IC 12-26-14-1**

##### **Ordering individual to enter outpatient therapy program; findings authorizing order**

Sec. 1. If a hearing has been held under IC 12-26-6 or IC 12-26-7 and the court finds that the individual is:

- (1) mentally ill and either dangerous or gravely disabled;
- (2) likely to benefit from an outpatient therapy program that is designed to decrease the individual's dangerousness or disability;
- (3) not likely to be either dangerous or gravely disabled if the individual complies with the therapy program; and
- (4) recommended for an outpatient therapy program by the individual's examining physician;

the court may order the individual to enter a therapy program as an outpatient.

*As added by P.L.2-1992, SEC.20. Amended by P.L.62-1993, SEC.9.*

#### **IC 12-26-14-2**

##### **Representation by program representative that individual may enter program**

Sec. 2. Before the court may issue an order under section 1 of this chapter, a representative of an outpatient therapy program approved by the court must represent to the court that the individual may enter that program immediately.

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

#### **IC 12-26-14-3**

##### **Ordering compliance with program**

Sec. 3. The court may require an individual ordered to enter an outpatient therapy program under section 1 of this chapter to do the following:

- (1) Follow the therapy program the individual enters.
- (2) Attend each medical and psychiatric appointment made for the individual.
- (3) Reside at a location determined by the court.
- (4) Comply with other conditions determined by the court.

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

#### **IC 12-26-14-4**

##### **Reasonable belief that individual has failed to comply with program; notice to court; transfer from outpatient program; transfer to sub-acute stabilization program; jail or prison**

Sec. 4. (a) If a staff member of a program involved in the treatment, supervision, or care of an individual ordered to enter an outpatient therapy program under section 1 of this chapter has reason to believe that the individual has failed to comply with the requirements of section 3 of this chapter, the staff member shall

immediately notify the court of the failure to comply.

(b) Except as provided in subsection (c), the individual may be transferred from the outpatient therapy program to one (1) of the following:

(1) The inpatient unit of the facility that has the original commitment.

(2) A community based residential program under IC 12-22-2-3.5.

(c) The individual may not be transferred to a community based residential program under IC 12-22-2-3.5 unless in the opinion of the individual's attending physician:

(1) it is not necessary for the individual to receive acute care inpatient treatment; and

(2) the individual is in need of a community based residential program under IC 12-22-2-3.5.

(d) The individual may not be imprisoned or confined in a jail or correctional facility unless the individual has been placed under arrest.

(e) A facility to which an individual is transferred under subsection (b) shall immediately notify the court of the transfer. A transfer to a facility under subsection (b) is subject to review under section 6 of this chapter upon petition by the individual who was transferred.

*As added by P.L.2-1992, SEC.20. Amended by P.L.62-1993, SEC.10; P.L.6-1995, SEC.27; P.L.143-2011, SEC.29.*

#### **IC 12-26-14-5**

##### **Noncompliance notification; reopening commitment proceeding; review of transfer to sub-acute stabilization program**

Sec. 5. (a) Upon receiving notification under section 4 of this chapter, the court shall reopen the original commitment proceeding and determine whether the:

(1) individual:

(A) has failed to comply with the requirements of section 3 of this chapter;

(B) is mentally ill and either dangerous or gravely disabled; and

(C) should be committed to a facility under this article; or

(2) individual should continue to be maintained on an outpatient commitment, subject to an additional court order that:

(A) requires a law enforcement officer to apprehend and transport the individual to a facility for treatment; and

(B) applies:

(i) after notification to the court by the facility or provider responsible for the individual's commitment; and

(ii) whenever the individual fails to attend a scheduled outpatient appointment or fails to comply with a condition of the outpatient commitment.

(b) If the court receives notice of a transfer under section 4(e) of this chapter, the court may conduct a review to determine the validity

of the transfer.

*As added by P.L.2-1992, SEC.20. Amended by P.L.62-1993, SEC.11; P.L.6-1995, SEC.28; P.L.121-1996, SEC.1.*

#### **IC 12-26-14-6**

##### **Order to enter therapy; review of order and release from program; intervals and conditions**

Sec. 6. If an individual is ordered to enter a therapy program under section 1 of this chapter, the individual is entitled to review of the order and release from the program at the same intervals and under the same conditions as an individual committed under:

- (1) IC 12-26-6 if the therapy order is issued under that chapter;
- or
- (2) IC 12-26-7 if the therapy order is issued under that chapter.

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

#### **IC 12-26-14-7**

##### **Committed individuals; placement on outpatient status for remainder of commitment period**

Sec. 7. If an individual:

- (1) has been committed under IC 12-26-6 or IC 12-26-7;
- (2) is likely to benefit from a therapy program designed to decrease the individual's dangerousness or grave disability;
- (3) is not likely to be either dangerous or gravely disabled if the individual continues to follow the therapy program; and
- (4) is recommended for an outpatient therapy program by the individual's attending or examining physician;

the superintendent of the facility in which the individual is committed or the court at the time of commitment may place the individual on outpatient status for the remainder of the individual's commitment period, subject to the conditions of outpatient therapy programs under section 8 of this chapter.

*As added by P.L.2-1992, SEC.20. Amended by P.L.62-1993, SEC.12.*

#### **IC 12-26-14-8**

##### **Committed individual placed on outpatient status; compliance with program**

Sec. 8. An individual placed on outpatient status under section 7 of this chapter may be required to do the following:

- (1) Follow the therapy program designed by the facility in which the individual has been placed.
- (2) Attend any medical or psychiatric appointments made for the individual with respect to the individual's psychiatric condition.
- (3) Reside at a place designated by the superintendent.

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

#### **IC 12-26-14-9**

##### **Failure to comply with program; return to facility or transfer to sub-acute stabilization program**

Sec. 9. If the individual's attending or examining physician determines that the individual has failed to comply with the requirements under section 8 of this chapter and is likely to be dangerous or gravely disabled, the individual:

- (1) may, in accordance with IC 12-24-8, be returned to the facility to which the individual is committed under this article as an inpatient; or
- (2) may be transferred to a short term sub-acute stabilization treatment program under this chapter.

*As added by P.L.2-1992, SEC.20. Amended by P.L.62-1993, SEC.13.*

#### **IC 12-26-14-10**

##### **Return to facility; hearing; hearing officer; appeal to committing court**

Sec. 10. (a) After an individual has been returned to the facility to which the individual is committed under this article, the director shall conduct a hearing under IC 4-21.5-3 to determine whether:

- (1) the individual has failed to comply with the requirements described in section 8 of this chapter;
- (2) the individual is in need of inpatient treatment; and
- (3) the individual's outpatient status should be revoked.

(b) A hearing required by subsection (a) may be conducted by a hearing officer appointed by the director.

(c) An individual may appeal under IC 4-21.5-5 a determination of the hearing officer by filing a petition with the court that committed the individual under IC 12-26-6 or IC 12-26-7.

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