

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1222

AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-7-2-24, AS AMENDED BY P.L.1-2007, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. "Bureau" means the following:

- (1) For purposes of IC 12-10, the bureau of aging and in-home services established by IC 12-10-1-1.
- (2) For purposes of IC 12-11, the bureau of developmental disabilities services established by IC 12-11-1.1-1.
- (3) For purposes of IC 12-12, the rehabilitation services bureau of the division of disability and rehabilitative services established by IC 12-12-1-1.
- (4) For purposes of IC ~~12-12.5~~, the bureau of quality improvement services established by IC ~~12-12.5-1-1~~.

SECTION 2. IC 12-7-2-33.7, AS AMENDED BY P.L.197-2011, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 33.7. (a) As used in this chapter, "class I child care home" means a child care home that serves any combination of full-time and part-time children, not to exceed at any one (1) time twelve (12) children plus three (3) children ~~during the school year only~~ who are enrolled in at least full-day kindergarten. ~~Except as provided in IC 12-17-2-5-6.3(b), the addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks.~~

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(b) A child:

- (1) for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative and who is at least seven (7) years of age; or
- (2) who is at least fourteen (14) years of age and does not require child care;

shall not be counted in determining whether the child care home is within the limit set forth in subsection (a).

SECTION 3. IC 12-7-2-69, AS AMENDED BY P.L.85-2017, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

- (1) The division of disability and rehabilitative services established by IC 12-9-1-1.
- (2) The division of aging established by IC 12-9.1-1-1.
- (3) The division of family resources established by IC 12-13-1-1.
- (4) The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

- (1) For purposes of the following statutes, the division of disability and rehabilitative services established by IC 12-9-1-1:
 - (A) IC 12-9.
 - (B) IC 12-11.
 - (C) IC 12-12.
 - ~~(D) IC 12-12.5.~~
 - ~~(E)~~ **(D)** IC 12-12.7.
 - ~~(F)~~ **(E)** IC 12-28-5.
- (2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:
 - (A) IC 12-9.1.
 - (B) IC 12-10.
 - (C) IC 12-10.5.
- (3) For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:
 - (A) IC 12-13.
 - (B) IC 12-14.
 - (C) IC 12-15.
 - (D) IC 12-16.
 - (E) IC 12-17.2.
 - (F) IC 12-18.
 - (G) IC 12-19.
 - (H) IC 12-20.



(4) For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

- (A) IC 12-21.
- (B) IC 12-22.
- (C) IC 12-23.
- (D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 4. IC 12-9-1-3, AS AMENDED BY P.L.210-2015, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The division consists of the following bureaus:

- (1) The rehabilitation services bureau established by IC 12-12-1-1.
- (2) The bureau of developmental disabilities services established by IC 12-11-1.1-1.
- ~~(3) The bureau of quality improvement services established by IC 12-12.5-1-1.~~
- ~~(4)~~ **(3)** The bureau of child development services established by IC 12-12.7-1-1.

SECTION 5. IC 12-9-5-3, AS AMENDED BY P.L.1-2007, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. The division shall administer the following programs:

- (1) Programs established under any of the following statutes:
 - (A) This article.
 - (B) IC 12-11.
 - (C) IC 12-12.
 - ~~(D) IC 12-12.5.~~
 - ~~(E)~~ **(D)** IC 12-12.7.
- (2) Programs under the following statutes, to the extent the division has responsibilities for programs under those statutes:
 - (A) IC 12-24.
 - (B) IC 12-26.
 - (C) IC 12-27.
 - (D) IC 12-28.
 - (E) IC 12-29.
- (3) Supported employment for a person with developmental disabilities.



- (4) Epilepsy service centers program.
- (5) Epilepsy clinic program.
- (6) Medicaid waivers for in-home services for treatment of developmental disabilities.

SECTION 6. IC 12-11-1.1-1, AS AMENDED BY P.L.210-2015, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The bureau of developmental disabilities services is established within the division.

(b) The bureau shall plan, coordinate, and administer the provision of individualized, integrated community based services for individuals with a developmental disability and their families, within the limits of available resources. The planning and delivery of services must be based on future plans of the individual with a developmental disability rather than on traditional determinations of eligibility for discrete services, with an emphasis on the preferences of the individual with a developmental disability and that individual's family.

(c) Services for individuals with a developmental disability must be services that meet the following conditions:

- (1) Are provided under public supervision.
- (2) Are designed to meet the developmental needs of individuals with a developmental disability.
- (3) Meet all required state and federal standards.
- (4) Are provided by qualified personnel.
- (5) To the extent appropriate, are provided in home and community based settings in which individuals without disabilities participate.
- (6) Are provided in conformity with a service plan developed under IC 12-11-2.1-2.

(d) The bureau shall approve entities to provide community based services and supports as follows:

- (1) Beginning July 1, 2011, the bureau shall ensure that an entity approved to provide day services, identified day habilitation, including facility based or community based habilitation, prevocational services, or employment services under home and community based services waivers is accredited by an approved national accrediting body described in subsection (j).
- (2) Beginning July 1, 2012, the bureau shall ensure that an entity approved to provide residential habilitation and support services under home and community based services waivers is accredited by an approved national accrediting body. However, if an entity is accredited to provide home and community based services under subdivision (1) other than residential habilitation and



support services, the bureau may extend the time that the entity has to comply with this subdivision until the earlier of the following:

- (A) The completion of the entity's next scheduled accreditation survey.
- (B) July 1, 2015.

(e) Subject to subsection (k), the bureau shall initially approve, reapprove, and monitor community based residential, habilitation, and employment service providers that provide alternatives to placement of individuals with a developmental disability in state institutions and health facilities licensed under IC 16-28 for individuals with a developmental disability. The services must simulate, to the extent feasible, patterns and conditions of everyday life that are as close as possible to the conditions in which individuals without disabilities participate. The community based service categories include the following:

- (1) Supervised group living programs, which serve at least four (4) individuals and not more than eight (8) individuals, are funded by Medicaid, and are licensed by the division.
- (2) Supported living service arrangements to meet the unique needs of individuals in integrated settings. Supported living service arrangements providing residential services may not serve more than four (4) unrelated individuals in any one (1) setting.

However, a program that:

- (A) is in existence on January 1, 2013, as a supervised group living program described in subdivision (1); and
- (B) has more than four (4) individuals residing as part of the program;

may convert to a supported living service arrangement under this subdivision and continue to provide services to up to the same number of individuals in the supported living setting.

(f) To the extent that services described in subsection (e) are available and meet the individual's needs, an individual is entitled to receive services in the least restrictive environment possible.

(g) Community based services under subsection (e)(1) or (e)(2) must consider the needs of and provide choices and options for:

- (1) individuals with a developmental disability; and
- (2) families of individuals with a developmental disability.

(h) The bureau shall administer a system of service coordination to carry out this chapter.

(i) The bureau may issue orders under IC 4-21.5-3-6 against a provider that violates rules issued by the bureau for programs in which



the provider is providing services in accordance with section 11 of this chapter.

(j) For purposes of subsections (d) and (k), "approved national accrediting body" means any of the following:

- (1) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
- (2) The Council on Quality and Leadership In Supports for People with Disabilities, or its successor.
- (3) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
- (4) The ISO-9001 human services QA system.
- (5) The Council on Accreditation, or its successor.
- (6) An independent national accreditation organization approved by the secretary.

(k) An entity that is accredited by an approved national accrediting body is not subject to reapproval surveys or routine monitoring surveys by the division ~~or bureau, or bureau of quality improvement services,~~ including any reapproval survey under a home and community based services waiver. However, the bureau may perform validation surveys and complaint investigations of an entity accredited by an approved national accrediting body.

(l) The bureau shall monitor services provided by the following:

- (1) An entity that provides services to an individual with funds provided by the bureau or under the authority of the bureau.**
- (2) An entity that has entered into a provider agreement under IC 12-15-11 to provide Medicaid in-home waiver services.**

(m) The bureau shall establish and administer a complaint process for the following:

- (1) An individual who receives services from an entity with funds provided through the bureau or under the authority of the bureau.**
- (2) An entity that has entered into a provider agreement under IC 12-15-11 to provide Medicaid in-home waiver services.**

SECTION 7. IC 12-12.5 IS REPEALED [EFFECTIVE JULY 1, 2022]. (QUALITY IMPROVEMENT SERVICES).

SECTION 8. IC 12-13-6-1, AS AMENDED BY P.L.210-2015, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The following ~~bureaus~~ are established within the division:

- (1) ~~A bureau of child care.~~ An office of early childhood and out**



of school learning.

(2) A bureau of economic independence.

SECTION 9. IC 12-15-1.3-24 IS ADDED TO THE INDIANA CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 24. (a) Notwithstanding any other law, the secretary, through the office, may apply to the United States Department of Health and Human Services for a Medicaid waiver to provide Medicaid reimbursement by:**

(1) the office; or

(2) a contractor of the office;

for eligible services provided by qualified medical personnel (as defined in IC 11-10-3-1) to provide behavioral health services to a committed offender held by the department of correction if the secretary determines that the waiver is necessary to claim any enhanced federal matching funds available for the Medicaid program or programs funded through Medicaid.

(b) Nothing in this section obligates the secretary to apply for a waiver under this section.

(c) If the United States Centers for Medicare and Medicaid Services determines that a waiver similar to the waiver described in subsection (a) is no longer available to the state, this section is void.

SECTION 10. IC 12-17.2-5-4, AS AMENDED BY P.L.156-2020, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:**

(1) A determination by the department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) a member of the applicant's household;

(C) an employee of the applicant who may be present on the premises of the child care home during operating hours of the child care home; or

(D) a volunteer of the applicant who may be present on the premises of the child care home during operating hours of the child care home.

(2) A criminal conviction of the applicant, or an employee or volunteer of the applicant who may be present on the premises of the child care home during operating hours of the child care home, **or a member of the applicant's household**, of any of the following:

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- (A) A felony:
 - (i) related to the health or safety of a child;
 - (ii) that is a sex offense (as defined in IC 11-8-8-5.2);
 - (iii) that is a dangerous felony; or
 - (iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.
 - (B) A misdemeanor related to the health or safety of a child.
 - (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.
 - (3) A determination by the division that the applicant made false statements in the applicant's application for licensure.
 - (4) A determination by the division that the applicant made false statements in the records required by the division.
 - (5) A determination by the division that the applicant previously operated a:
 - (A) child care center without a license under IC 12-17.2-4; or
 - (B) child care home without a license under this chapter.
 - (b) Notwithstanding subsection (a)(2), if:
 - (1) a license application is denied due to a criminal conviction of:
 - (A) an employee or a volunteer of the applicant; or
 - (B) a member of the applicant's household; and
 - (2) the division determines that the:
 - (A) employee or volunteer has been dismissed by the applicant; or
 - (B) member of the applicant's household is no longer a member of the applicant's household;
- the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 11. IC 12-17.2-5-6.3, AS AMENDED BY P.L.162-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.3. (a) To qualify for a license to operate a class I child care home under this chapter, a person must do the following:

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(1) Provide documentation to the division that the licensee has received a high school diploma or a high school equivalency certificate as described in IC 12-14-5-2.

(2) Provide documentation to the division that the licensee:

(A) has completed;

(B) is enrolled in; or

(C) agrees to complete within the next three (3) years; a child development associate credential program or a similar program approved by the division.

(3) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

The division may grant a waiver or variance of the requirement under subdivision (2).

(b) A class I child care home may serve a **three (3)** school age ~~child~~ during a break in the school year that exceeds four (4) weeks **children under IC 12-7-2-33.7** if the **child care home meets the** following conditions: ~~are met:~~

(1) ~~The school age child:~~

(A) ~~was in the home part time during the four (4) months preceding the break; or~~

(B) ~~has a sibling attending the child care home.~~

(2) ~~The child care home meets the following requirements:~~

(A) ~~(1) Provides at least thirty-five (35) square feet for each child.~~

(B) ~~(2) Maintains the child to staff ratio required under rules adopted by the division for each age group of children in attendance.~~

(C) ~~Provides age appropriate toys, games, equipment, and activities for each age group of children enrolled.~~

(D) ~~If the licensee does not reside in the child care home, the child care home has:~~

(i) ~~at least two (2) exits that comply with the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission; and~~

(ii) ~~(3) Has an illuminated exit sign over each required exit or emergency lighting for each required exit.~~

(3) ~~The licensee for the child care home has maintained a class I child care home license for at least twelve (12) children:~~

(A) ~~for at least one (1) year; and~~

(B) ~~without any citations for noncompliance.~~

SECTION 12. IC 12-17.2-5-6.5, AS AMENDED BY P.L.145-2006,

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SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

- (1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (2) Provide a smoke detection system that is:
 - (A) hard wired to the building's electrical system; and
 - (B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.
- (3) Provide a fire extinguisher in each room that is used to provide child care services.
- (4) Meet:
 - (A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, except for any illumination requirements, in effect at the time the class II child care home provider initially applies for licensure; and
 - (B) the illumination requirements established in section ~~6.3(b)(2)(D)~~ **6.3(b)(3)** of this chapter.
- (5) Provide a minimum of thirty-five (35) square feet for each child.
- (6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.
- (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- (8) Comply with rules adopted by the division of family resources for class II child care homes.
- (9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

- (1) a class I child care home license; or
- (2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 13. IC 12-17.2-5-32, AS AMENDED BY P.L.121-2020,



SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the department of child services of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) a member of the licensee's household;

(C) an employee of the licensee who may be present on the premises of the child care home during operating hours of the child care home; or

(D) a volunteer of the licensee who may be present on the premises of the child care home during operating hours of the child care home.

(2) A criminal conviction of the licensee, ~~or~~ an employee or volunteer of the licensee who may be present on the premises of the child care home during operating hours of the child care home, **or a member of the licensee's household** of any of the following:

(A) A felony:

(i) related to the health or safety of a child;

(ii) that is a sex offense (as defined in IC 11-8-8-5.2);

(iii) that is a dangerous felony; or

(iv) that is not a felony otherwise described in items (i) through (iii), and less than ten (10) years have elapsed from the date the person was discharged from probation, imprisonment, or parole, whichever discharge date is latest.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter, or a substantially similar offense committed in another jurisdiction if the offense is directly or indirectly related to jeopardizing the health or safety of a child.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously



operated a:

- (A) child care center without a license under IC 12-17.2-4; or
 - (B) child care home without a license under this chapter.
- (b) Notwithstanding subsection (a)(2), if:
- (1) a license is revoked due to a criminal conviction of:
 - (A) an employee or a volunteer of the licensee's; or
 - (B) a resident of the licensee's household; and
 - (2) the division determines that the:
 - (A) employee or volunteer has been dismissed by the licensee; or
 - (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 14. IC 12-21-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 8. (a) As used in this section, "certified community behavioral health clinic" refers to a community behavioral health clinic that has been certified according to criteria established by the Secretary of the United States Department of Health and Human Services under Section 223 of the federal Protecting Access to Medicare Act of 2014 (P.L. 113-93).**

(b) Not later than November 1, 2022, the division shall establish a plan to expand the use of certified community behavioral health clinics in Indiana.

(c) The division shall, in preparing the plan required under subsection (b), consider the following:

- (1) Use of crisis hotline centers and mobile crisis teams, as described in IC 12-21-8.**
- (2) Use of the federal Substance Abuse and Mental Health Services Administration Certified Community Behavioral Health Clinic Expansion Grants.**
- (3) Potential expansion of Medicaid certified community behavioral health clinics under Section 223 of the federal Protecting Access to Medicare Act of 2014 (P.L. 113-93).**
- (4) Restructuring state funding for behavioral health services through prospective payment or another financing model.**

SECTION 15. IC 12-21-8-10, AS ADDED BY P.L.207-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 10. (a) The division shall coordinate:**

- (1) available onsite response services of crisis calls using state and locally funded mobile crisis teams; and**



(2) crisis receiving and stabilization services resulting from a 9-8-8 call.

(b) The mobile crisis teams must include: ~~the following:~~

~~(1) Jurisdiction based behavioral health teams; including:~~

(1) a peer certified by the division; and

(2) at least one (1) of the following:

(A) A behavioral health professional licensed under IC 25-23.6. ~~and~~

~~(B) peers certified by the division. An other behavioral health professional (OBHP), as defined in 440 IAC 11-1-12.~~

~~(2) (C) Emergency medical services personnel licensed under IC 16-31.~~

~~(3) (D) Law enforcement based coresponder behavioral health teams.~~

(c) Crisis response services provided by a mobile crisis team must be provided under the supervision of:

(1) a behavioral health professional licensed under IC 25-23.6;

(2) a licensed physician; or

(3) a licensed advance practice nurse or clinical nurse specialist.

The supervision required under this subsection may be performed remotely.

SECTION 16. IC 35-36-3-1, AS AMENDED BY P.L.161-2018, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) If at any time before the final submission of any criminal case to the court or the jury trying the case, the court has reasonable grounds for believing that the defendant lacks the ability to understand the proceedings and assist in the preparation of a defense, the court shall immediately fix a time for a hearing to determine whether the defendant has that ability. The court shall appoint two (2) or three (3) competent, disinterested:

(1) psychiatrists;

(2) psychologists endorsed by the Indiana state board of examiners in psychology as health service providers in psychology; or

(3) physicians;

who have expertise in determining competency. At least one (1) of the individuals appointed under this subsection must be a psychiatrist or psychologist. However, none may be an employee or a contractor of a state institution (as defined in IC 12-7-2-184). The individuals who are appointed shall examine the defendant and testify at the hearing as to whether the defendant can understand the proceedings and assist in the



preparation of the defendant's defense.

(b) At the hearing, other evidence relevant to whether the defendant has the ability to understand the proceedings and assist in the preparation of the defendant's defense may be introduced. If the court finds that the defendant has the ability to understand the proceedings and assist in the preparation of the defendant's defense, the trial shall proceed. If the court finds that the defendant lacks this ability, it shall delay or continue the trial and order the defendant committed to the division of mental health and addiction. The division of mental health and addiction shall provide competency restoration services or enter into a contract for the provision of competency restoration services by a third party in the:

- (1) location where the defendant currently resides; or
- (2) least restrictive setting appropriate to the needs of the defendant and the safety of the defendant and others.

However, if the defendant is serving an unrelated executed sentence in the department of correction at the time the defendant is committed to the division of mental health and addiction under this section, the division of mental health and addiction shall provide competency restoration services or enter into a contract for the provision of competency restoration services by a third party at a department of correction facility agreed upon by the division of mental health and addiction or the third party contractor and the department of correction.

A contract entered into with a third party under this subsection may confer to the third party all authority the division would have in providing competency restoration services to the defendant at a state institution (as defined in IC 12-7-2-184).

(c) If the court makes a finding under subsection (b), the court shall transmit any information required by the office of judicial administration to the office of judicial administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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