

## SENATE BILL No. 267

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 4-24-6-4; IC 12-7-2; IC 12-9-2-5; IC 12-11; IC 12-24; IC 12-26-12-1; IC 34-18-2-24.

**Synopsis:** Mental health matters. Repeals the definition of "state developmental center", and removes references to state developmental centers and the Fort Wayne State Developmental Center, which no longer exist. Changes references from "managed care providers" to "community mental health centers" in statutes concerning mental health home and community based services. Removes a provision specifying an addictions treatment provider as the gatekeeper for an individual entering into an addiction program in a state institution.

**Effective:** July 1, 2013.

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**Miller Patricia**

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January 8, 2013, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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# SENATE BILL No. 267



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

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

1 SECTION 1. IC 4-24-6-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) This section does not apply  
3 to a patient  
4 (1) in a state developmental center listed in IC ~~12-24-1-1~~; or  
5 (2) in an institution listed in IC 12-24-1-3 if the patient is in a unit  
6 that is a Medicaid certified intermediate care facility for the  
7 mentally retarded.  
8 (b) Any interest or income derived from the deposit or investment  
9 of funds held in trust for any patient or inmate shall be transferred from  
10 such trust fund to a special fund to be known as the "patients' recreation  
11 fund" or "inmates' recreation fund"; provided, that in the event a trust  
12 fund has been established in any institution, which trust fund is in  
13 existence on July 1, 1957, and there is a deficiency in the amount of  
14 money that properly belongs in such trust fund, the income derived  
15 from any trust fund established under the provisions of this chapter  
16 shall be paid into the trust fund until the deficiency has been fully paid.  
17 SECTION 2. IC 12-7-2-182 IS REPEALED [EFFECTIVE JULY 1,



1 2013]. Sec. 182: "State developmental center", for purposes of  
 2 ~~IC 12-11-2.1~~; refers to an institution listed in ~~IC 12-24-1-1~~.

3 SECTION 3. IC 12-7-2-184, AS AMENDED BY P.L.141-2006,  
 4 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2013]: Sec. 184. (a) "State institution" means an institution:

- 6 (1) owned or operated by the state;  
 7 (2) for the observation, care, treatment, or detention of an  
 8 individual; and  
 9 (3) under the administrative control of a division.

10 (b) The term includes the following:

- 11 (1) Evansville State Hospital.  
 12 (2) Evansville State Psychiatric Treatment Center for Children.  
 13 ~~(3) Fort Wayne State Developmental Center.~~  
 14 ~~(4) (3) Larue D. Carter Memorial Hospital.~~  
 15 ~~(5) (4) Logansport State Hospital.~~  
 16 ~~(6) (5) Madison State Hospital.~~  
 17 ~~(7) (6) Richmond State Hospital.~~

18 SECTION 4. IC 12-9-2-5 IS REPEALED [EFFECTIVE JULY 1,  
 19 2013]. Sec. 5: The director has administrative control of and  
 20 responsibility for the state owned and operated developmental centers  
 21 as provided in ~~IC 12-24-1-1~~.

22 SECTION 5. IC 12-11-1.1-8 IS REPEALED [EFFECTIVE JULY  
 23 1, 2013]. Sec. 8: The budget agency shall annually:

- 24 (1) calculate; and  
 25 (2) report to the budget committee;

26 any savings realized from the transfer or discharge of individuals with  
 27 developmental disabilities from a state developmental center to a  
 28 community based resident setting:

29 SECTION 6. IC 12-11-2.1-4, AS AMENDED BY P.L.99-2007,  
 30 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2013]: Sec. 4. The bureau shall serve as the placement  
 32 authority for individuals with a developmental disability under service  
 33 plans developed under this chapter, including all placements in a ~~state~~  
 34 ~~developmental center~~ or an intermediate care facility.

35 SECTION 7. IC 12-11-2.1-5, AS AMENDED BY P.L.99-2007,  
 36 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2013]: Sec. 5. When authorizing services for an individual  
 38 with a developmental disability in a community based setting, the  
 39 bureau shall give equal consideration based on need between:

- 40 (1) individuals who resided with a family member, relative, or  
 41 guardian immediately before the community based residential  
 42 placement; and

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1 (2) individuals being placed from:

2 (A) a state developmental center;

3 ~~(B)~~ (A) an intermediate care facility; or

4 ~~(C)~~ (B) a nursing facility.

5 SECTION 8. IC 12-11-2.1-8 IS REPEALED [EFFECTIVE JULY  
6 1, 2013]. Sec. 8. If an individual with a developmental disability  
7 committed to a state developmental center is placed on outpatient  
8 status under IC 12-26-14, the bureau shall monitor the individual's  
9 compliance with the individual's service plan during the period that the  
10 individual is in outpatient status.

11 SECTION 9. IC 12-24-1-1 IS REPEALED [EFFECTIVE JULY 1,  
12 2013]. Sec. 1. The director of the division of disability and  
13 rehabilitative services has administrative control of and responsibility  
14 for the following state institutions:

15 (1) Fort Wayne State Developmental Center.

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

17 SECTION 10. IC 12-24-11-3, AS AMENDED BY P.L.99-2007,  
18 SECTION 118, IS AMENDED TO READ AS FOLLOWS  
19 [EFFECTIVE JULY 1, 2013]: Sec. 3. Immediately upon receiving a  
20 patient's medical records or a patient's name and address under section  
21 2 of this chapter, IC 12-24-12, or IC 12-26-11, the community mental  
22 health center ~~the managed care provider~~, or the local agency serving  
23 the needs of individuals with a developmental disability shall do the  
24 following:

25 (1) Contact:

26 (A) the patient; or

27 (B) the patient's parent or guardian if the patient is not  
28 competent.

29 (2) Explain the types of services that are available to the patient  
30 in the area in which the patient will reside.

31 SECTION 11. IC 12-24-12-2 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. The division shall  
33 contract with ~~managed care providers~~ **community mental health**  
34 **centers** to administer a system of community based gatekeepers to  
35 monitor each individual from the time the individual has been  
36 involuntarily committed to a state institution administered by the  
37 division until the individual is discharged from the commitment.

38 SECTION 12. IC 12-24-12-3 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. (a) Before an  
40 individual described in section 2 of this chapter is discharged or placed  
41 on outpatient status under IC 12-26, a discharge plan shall be  
42 formulated in consultation with the patient's designated case manager.



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1 The superintendent shall provide copies of the individual's plan of  
 2 discharge or placement to a community mental health center ~~or a~~  
 3 ~~managed care provider~~ serving the area in which the individual will  
 4 reside. The plan must include the following:

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

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

- 19 (1) Whether the initial contact with the treatment provider
- 20 occurred.
- 21 (2) Whether treatment was rendered according to the
- 22 recommendations in the individual's plan.
- 23 (3) What changes, if any, were made in the individual's plan by
- 24 the treatment provider.

25 (c) If the plan provided to the ~~managed care provider~~ **community**  
 26 **mental health center** under subsection (a) recommends or requires  
 27 that an individual reside at a location designated by the superintendent  
 28 in the plan, the case manager shall monitor whether the individual is  
 29 residing at the location.

30 SECTION 13. IC 12-24-12-4 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) If a ~~managed care~~  
 32 ~~provider~~ **community mental health center** is aware of problems with  
 33 continuity of care for a discharged or placed individual, the ~~managed~~  
 34 ~~care provider~~ **community mental health center** shall contact:

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

40 and attempt to resolve any problems.

41 (b) If the treatment or residential problems continue and are  
 42 significant, the ~~managed care provider~~ **community mental health**

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1 **center** shall report these findings to the director.  
 2 SECTION 14. IC 12-24-12-10, AS AMENDED BY P.L.114-2012,  
 3 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 4 JULY 1, 2013]: Sec. 10. (a) Upon admission to a state institution  
 5 administered by the division of mental health and addiction, the  
 6 gatekeeper is one (1) of the following:  
 7 (1) For an individual with a psychiatric disorder, the community  
 8 mental health center that submitted the report to the committing  
 9 court under IC 12-26.  
 10 (2) For an individual with a developmental disability, a division  
 11 of disability and rehabilitative services service coordinator under  
 12 IC 12-11-2.1.  
 13 ~~(3) For an individual entering an addictions program, an~~  
 14 ~~addictions treatment provider that is certified by the division of~~  
 15 ~~mental health and addiction.~~  
 16 (b) The division is the gatekeeper for the following:  
 17 (1) An individual who is found to have insufficient  
 18 comprehension to stand trial under IC 35-36-3.  
 19 (2) An individual who is found to be not guilty by reason of  
 20 insanity under IC 35-36-2-4 and is subject to a civil commitment  
 21 under IC 12-26.  
 22 (3) An individual who is immediately subject to a civil  
 23 commitment upon the individual's release from incarceration in  
 24 a facility administered by the department of correction or the  
 25 Federal Bureau of Prisons, or upon being charged with or  
 26 convicted of a forcible felony (as defined by IC 35-31.5-2-138).  
 27 (4) An individual placed under the supervision of the division for  
 28 addictions treatment under IC 12-23-7 and IC 12-23-8.  
 29 (5) An individual transferred from the department of correction  
 30 under IC 11-10-4.  
 31 SECTION 15. IC 12-24-19-7 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) As used in this  
 33 section, "transitional care" means temporary treatment services to  
 34 facilitate an individual's:  
 35 (1) transfer from a mental health institution to a community  
 36 residential setting; or  
 37 (2) discharge from a mental health institution.  
 38 (b) The transitional care program shall assist consumers in making  
 39 a smooth adjustment to community living and operate in collaboration  
 40 with a ~~managed care provider~~ **community mental health center** of  
 41 services in the consumer's home area.  
 42 (c) Resources for the program shall come from the total

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1 appropriation for the facility, and may be adjusted to meet the needs of  
2 consumer demand by the director.

3 (d) Each state institution administered by the division of mental  
4 health and addiction shall establish a transitional care program with  
5 adequate staffing patterns and employee skill levels for patients'  
6 transitional care needs where clinically appropriate.

7 (e) The transitional care program shall be staffed by transitional care  
8 specialists and at least one (1) transitional care case manager.

9 (f) A transitional care case manager must have at least a bachelor's  
10 degree and be trained in transitional care.

11 (g) Psychiatric attendants working in this program shall be trained,  
12 classified, and compensated as appropriate for a transitional care  
13 specialist.

14 SECTION 16. IC 12-26-12-1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. (a) Except as  
16 provided in subsection (c), a court that orders a commitment may order  
17 the superintendent to notify the petitioner in the commitment  
18 proceeding and other person designated by the court that the committed  
19 individual will be discharged.

20 (b) The notice required under subsection (a) shall be given to the  
21 petitioner and other person designated by the court at least twenty (20)  
22 days before the end of the commitment period.

23 (c) A court may not order the director of a community mental health  
24 center ~~or a managed care provider~~ to notify the person who filed a  
25 petition with respect to an individual committed to the community  
26 mental health center. ~~or the managed care provider.~~

27 SECTION 17. IC 34-18-2-24 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. "Psychiatric  
29 hospital" means a private institution licensed under IC 12-25 and  
30 public institutions under the administrative control of the director of a  
31 division as designated by ~~IC 12-24-1-1~~ or IC 12-24-1-3.

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