

Members

Sen. Connie Lawson, Chairperson
Sen. Vi Simpson
Rep. Charlie Brown
Rep. Cindy Noe
Loretta Kroin
Kathleen O'Connell
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Margie Payne
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Chris Taelman
Jane Horn
Abigail P. Flynn



COMMISSION ON MENTAL HEALTH

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MEETING MINUTES¹

Meeting Date: October 9, 2007
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St., Senate Chamber
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Connie Lawson, Chairperson; Sen. Vi Simpson; Rep. Charlie Brown; Rep. Cindy Noe; Loretta Kroin; Kathleen O'Connell; Chuck Clark; Stacy Ryan; Margie Payne; Valerie N. Markley; Bryan Lett; Caroline Doebbling; Kurt Carlson; Chris Taelman; Jane Horn; Abigail P. Flynn.

Members Absent: Ronda Ames.

I. Call to Order:

Senator Connie Lawson, Chairperson, called the meeting to order at 1:40 P.M.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.in.gov/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

II. Discussion of Outpatient Commitment - Kendra's Law:

A. Sojourner Truth Center in Gary, Sister Peg Spindler and Ms. Robin Beasley:

Sister Peg Spindler and Ms. Robin Beasley provided the Commission on Mental Health (COMH) with information on outpatient commitment of individuals with mental illness. (Exhibit 1) The presentation was geared at informing the members of the difficulties faced by individuals with mental illness when the individuals are not receiving treatment and are homeless. Ms. Beasley told the COMH that in 39 states if a person is eligible for supplemental security income (SSI) services from the federal government, the person is categorically eligible for Medicaid. There was discussion of Indiana's law on eligibility. More research is being done on this topic.

B. Mr. Jacob McClellan, Office of General Counsel, Family and Social Services Administration (FSSA):

Mr. McClellan provided the members with a comparison of New York's court-ordered assisted outpatient treatment statute (Kendra's Law) and Indiana's involuntary outpatient treatment statutes. (Exhibit 2)

III. Financing for Mental Health Services, Ms. Cathy Boggs, Director, Division of Mental Health and Addiction (DMHA), FSSA:

Ms. Boggs discussed the issues facing the State from Medicaid cost limitations being discussed at the federal level. (Exhibit 3) The changes in federal funding could cause a shortfall in the fourth quarter of fiscal '08 of \$8.6 million and shortfalls in '09 that are even larger. DMHA is working on developing the exact costs but is not sure if those figures will be developed in time for the October 30 meeting of the COMH .

IV. Discussion of Forensic Issues:

A. Overview, Dr. George Parker, Medical Director, DMHA, FSSA:

Dr. Parker provided the COMH with an overview of diversion programs and individuals in jails and prisons with mental illness. (Exhibits 4 and 5) In answer to questions from Senator Lawson, Dr. Parker said that it is harder to get data on individuals in jails than in the prison system. Dr. Parker also said that there are sometimes data differences in reporting the number of individuals in prisons who are receiving mental health treatment because of different ways of gathering and interpreting data.

B. Diversion Programs, Mr. Tim Brown, Director of Legislative Services, Department of Correction (DOC) and Ms. Deana McMurray, Director of Community Correction, DOC:

Ms. McMurray discussed the community correction program. (Exhibit 6) There are community correction programs in 68 counties in Indiana. In answer to a question from Senator Lawson, Ms. McMurray reported that the Forensic Diversion Study Committee is preparing legislation for funding for forensic diversion programs.

C. Re-entry Programs, Mr. Tim Brown, Director of Legislative Services, DOC:

Mr. Brown discussed the re-entry programs. In 2005, Mr. David Donahue,

Commissioner of the DOC, emphasized within the DOC that re-entry preparation must begin on the first day of incarceration. Re-entry training includes developing job search skills, information on budget preparation, developing anger management skills, and assistance with preparing to apply for Medicaid and food stamps, as well as caring for the inmate's on-going mental health needs.

D. Crisis Intervention Team (CIT), Ms. Kellie Meyer, Development Director and Criminal Justice Director, National Alliance in Mental Illness (NAMI):

Ms. Meyer provided the members with information on CIT in Indiana. (Exhibit 7)

E. Update on Medical and Mental Health Records Following Individuals Committed to Jails and the Department of Correction:

(1) Mr. Douglas J. Gosser, Deputy Director, Indiana Sheriff's Association, and Sheriff Steve Luce, Knox County Sheriff:

Sheriff Luce discussed implementation of HEA 1338, which requires medical and mental health records to follow inmates when they are transferred from a county to the DOC and from one institution to another within DOC. Sheriff Luce explained that the law just became effective July 1. Four weeks ago the Sheriff's Association sent a letter reminding sheriffs of the provisions of the law. In answer to a question from Senator Lawson, Sheriff Luce said that in his jail inmates see a physician within 14 days of being placed in custody. If an inmate indicates that the inmate has medical or mental health issues, the inmate can be scheduled to see a physician within 72 hours. Sheriff Luce said that there is sometimes difficulty in obtaining an inmate's medical records from a private physician.

(2) Mr. Tim Brown, Director of Legislative Services, DOC, and Dr. Elton Amos, Medical Director, DOC:

Dr. Amos said that the DOC is having trouble with the counties adapting to providing the additional information. Also, some counties have difficulty paying for expensive drugs. He reported that there are varying degrees of cooperation with the counties. In response to concerns expressed by Representative Brown about the difficulty in getting medical records from an inmate's private health and mental health care providers, staff will be researching the HIPPA issues involved in getting records from private providers.

V. Adjournment:

The meeting was adjourned at 4:30 P.M.

Note: The final meeting of the COMH is Tuesday, October 30, at 1:30 P.M. in the Senate Chamber. At that time the COMH will (1) hear from FSSA concerning answers to questions raised on September 11 concerning managed care organizations (MCO's); (2) receive a presentation from the Indiana Bar Association; and (3) consider bill drafts. Senator Lawson informed those present that any bill draft requests should be given to her no later than October 15 to allow sufficient time to draft the bills and get copies to members prior to the October 30 meeting.