

HOUSE BILL No. 1127

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-1-20.4; IC 12-23-19.

Synopsis: Mental health and addiction forensic treatments. Removes a provision that allows a: (1) delinquent child's; or (2) person's; Medicaid participation to be terminated following a two year suspension due to certain adjudications or incarceration. Adds competency restoration services to the list of treatment and wraparound recovery services made available to certain persons in the criminal justice system. Adds competency restoration services to the list of services that qualify a person for mental health and addiction forensic treatment services. Adds: (1) recovery community organizations; and (2) recovery residences; certified by the division of mental health and addiction (division) or its designee to the list of organizations eligible for certain funds and grants from the division. Requires demographic data concerning race and ethnicity to be included in certain demographic research performed by the division.

Effective: July 1, 2021.

Steuerwald, McNamara, Pierce

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1127

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 12-15-1-20.4, AS AMENDED BY P.L.152-2017,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 20.4. (a) If a Medicaid recipient is:
4 (1) adjudicated to be a delinquent child and placed in:
5 (A) a community based correctional facility for children;
6 (B) a juvenile detention facility; or
7 (C) a secure facility, not including a facility licensed as a
8 ~~childcare~~ **child caring** institution under IC 31-27; or
9 (2) incarcerated in a prison or jail; and
10 ineligible to participate in the Medicaid program during the placement
11 described in subdivision (1) or (2) because of federal Medicaid law, the
12 division of family resources, upon notice that a child has been
13 adjudicated to be a delinquent child and placed in a facility described
14 in subdivision (1) or upon notice that a person is incarcerated in a
15 prison or jail and placed in a facility described in subdivision (2), shall
16 suspend the person's participation in the Medicaid program. ~~for up to~~
17 ~~two (2) years before terminating the person's eligibility.~~



1 (b) If the division of family resources receives:

2 (1) a dispositional decree under IC 31-37-19-28; or

3 (2) a modified disposition order under IC 31-37-22-9;

4 and the department of correction gives the division at least forty (40)
5 days notice that a person will be released from a facility described in
6 subsection (a)(1)(C) or (a)(2), the division of family resources shall
7 take action necessary to ensure that a person described in subsection
8 (a) is eligible to participate in the Medicaid program upon the person's
9 release, if the person is eligible to participate.

10 SECTION 2. IC 12-23-19-1, AS AMENDED BY P.L.65-2018,
11 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2021]: Sec. 1. (a) As used in this chapter, "mental health and
13 addiction forensic treatment services" means evidence based treatment
14 and recovery wraparound support services that may be provided to
15 individuals in the criminal justice system who are charged with a
16 felony offense, or have a prior felony conviction, and have been placed
17 or are eligible to be placed in a pretrial services program, community
18 corrections program, prosecuting attorney's diversion program, or jail
19 as an alternative to commitment to the department of correction. The
20 term includes the following:

21 (1) Mental health and substance abuse treatment, including:

22 (A) addiction counseling;

23 (B) inpatient detoxification;

24 (C) case management;

25 (D) daily living skills; and

26 (E) medication assisted treatment, including a federal Food
27 and Drug Administration approved long acting, nonaddictive
28 medication for the treatment of opioid or alcohol dependence.

29 (2) Vocational services.

30 (3) Housing assistance.

31 (4) Community support services.

32 (5) Care coordination.

33 (6) Transportation assistance.

34 (7) Mental health and substance abuse assessments.

35 **(8) Competency restoration services.**

36 (b) The term applies to services provided under a pilot program
37 under section 2 of this chapter to individuals who are charged with a
38 misdemeanor.

39 SECTION 3. IC 12-23-19-2, AS AMENDED BY P.L.65-2018,
40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2021]: Sec. 2. (a) An individual is eligible for mental health
42 and addiction forensic treatment services if:



- 1 (1) subject to subsection (d), the individual:
 2 (A) is a member of a household with an annual income that
 3 does not exceed two hundred percent (200%) of the federal
 4 income poverty level;
 5 (B) is a resident of Indiana;
 6 (C) is:
 7 (i) at least eighteen (18) years of age; or
 8 (ii) subject to the approval of the Indiana commission to
 9 combat drug abuse, less than eighteen (18) years of age and
 10 the individual is a defendant whose case is either waived
 11 from juvenile court to adult court or directly filed in adult
 12 court; and
 13 (D) has entered the criminal justice system as a felon or with
 14 a prior felony conviction **or is ordered to be committed for**
 15 **competency restoration services as described in**
 16 **IC 35-36-3-1(b);** and
 17 (2) subject to subsection (b), reimbursement for the service is not
 18 available to the individual through any of the following:
 19 (A) A policy of accident and sickness insurance (IC 27-8-5).
 20 (B) A health maintenance organization contract (IC 27-13).
 21 (C) The Medicaid program (IC 12-15), excluding the Medicaid
 22 rehabilitation program and the Behavioral and Primary Health
 23 Coordination Program under Section 1915(i) of the Social
 24 Security Act.
 25 (D) The federal Medicare program or any other federal
 26 assistance program.
 27 (b) If an individual is not entitled to reimbursement from the sources
 28 described in subsection (a)(2) of the full amount of the cost of the
 29 mental health and addiction forensic treatment services, grants and
 30 vouchers under this chapter may be used to provide those services to
 31 the extent that the costs of those services exceed the reimbursement the
 32 individual is entitled to receive from the sources described in
 33 subsection (a)(2), excluding any copayment or deductible that the
 34 individual is required to pay.
 35 (c) The division shall determine the extent to which an individual
 36 who is provided mental health and addiction forensic treatment
 37 services under this chapter is entitled to receive reimbursement from
 38 the sources described in subsection (a)(2).
 39 (d) Notwithstanding subsection (a)(1)(D), subject to available
 40 funding and on the recommendation of the justice reinvestment
 41 advisory council (established by IC 33-38-9.5-2), the division may
 42 operate a pilot program applying the eligibility criteria in this section



1 to individuals who are charged with a misdemeanor. If the division
 2 operates a pilot program under this subsection, the division shall issue
 3 annual reports to the justice reinvestment advisory council.

4 SECTION 4. IC 12-23-19-4, AS AMENDED BY P.L.114-2018,
 5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 4. (a) As used in this section, "account" refers to
 7 the mental health and addiction forensic treatment services account
 8 established by subsection (b).

9 (b) The mental health and addiction forensic treatment services
 10 account is established for the purpose of providing grants and vouchers
 11 and for leveraging federal funds for the provision of mental health and
 12 addiction forensic treatment services. The account shall be
 13 administered by the division. The division may use money in the
 14 account only to fund grants and vouchers under this chapter that are
 15 provided to the following:

- 16 (1) Community corrections programs.
- 17 (2) Court administered programs.
- 18 (3) Probation and diversion programs.
- 19 (4) Community mental health centers.
- 20 (5) Certified or licensed mental health or addiction providers.
- 21 **(6) Recovery community organizations certified by the**
- 22 **division or its designee.**
- 23 **(7) Recovery residences certified by the division or its**
- 24 **designee.**

25 (c) The account consists of:

- 26 (1) appropriations made by the general assembly;
- 27 (2) grants; and
- 28 (3) gifts and bequests.

29 (d) The expenses of administering the account shall be paid from
 30 money in the account.

31 (e) The treasurer of state shall invest the money in the account not
 32 currently needed to meet the obligations of the account in the same
 33 manner as other public money may be invested. Interest that accrues
 34 from these investments shall be deposited in the account.

35 (f) Money in the account at the end of a state fiscal year does not
 36 revert to the state general fund.

37 (g) Money deposited in the account may be used as the required
 38 state match under the Medicaid program.

39 SECTION 5. IC 12-23-19-7, AS AMENDED BY P.L.243-2017,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2021]: Sec. 7. (a) The division shall survey individuals
 42 receiving mental health and addiction forensic treatment services under



1 this chapter. The division shall survey and develop demographic
2 research on such an individual one (1) year after the individual begins
3 receiving the services. The survey must request information
4 concerning:

5 (1) the employment status of the individual since the individual
6 began receiving the services; ~~and~~

7 (2) whether the individual has been arrested, convicted of a crime,
8 alleged to have violated probation, or placed in a community
9 corrections program as an alternative to commitment to the
10 department of correction since the individual began receiving the
11 services; **and**

12 **(3) the racial and ethnic demographics of the individuals**
13 **referred.**

14 (b) The division shall report to the justice reinvestment advisory
15 council established by IC 33-38-9.5-2 any findings from the survey
16 under subsection (a) concerning providing mental health and addiction
17 forensic treatment services to individuals charged with a misdemeanor
18 offense.

