

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 ENROLLED ACT No. 1225

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 12-23-18-5, AS AMENDED BY P.L.8-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) The division shall adopt rules under IC 4-22-2 to establish the following:

(1) Standards for operation of an opioid treatment program in Indiana, including the following requirements:

(A) **Except as otherwise prescribed by the division**, an opioid treatment program shall obtain prior authorization from the division for any patient receiving more than ~~seven (7)~~ **fourteen (14)** days of opioid maintenance treatment medications at one (1) time and the division may approve the authorization only under the following circumstances:

(i) A physician licensed under IC 25-22.5 has issued an order for the opioid treatment medication.

(ii) The patient has not tested positive under a drug test for a drug for which the patient does not have a prescription for a period of time set forth by the division.

(iii) The opioid treatment program has determined that the benefit to the patient in receiving the take home opioid treatment medication outweighs the potential risk of diversion of the take home opioid treatment medication.

(B) Minimum requirements for a licensed physician's regular:

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- (i) physical presence in the opioid treatment facility; and
- (ii) physical evaluation and progress evaluation of each opioid treatment program patient.

(C) Minimum staffing requirements by licensed and unlicensed personnel.

(D) Clinical standards for the appropriate tapering of a patient on and off of an opioid treatment medication.

(2) A requirement that, not later than February 28 of each year, a current diversion control plan that meets the requirements of 21 CFR Part 290 and 42 CFR Part 8 be submitted for each opioid treatment facility.

(3) Fees to be paid by an opioid treatment program for deposit in the fund for annual certification under this chapter as described in section 3 of this chapter.

The fees established under this subsection must be sufficient to pay the cost of implementing this chapter.

(b) The division shall conduct an annual onsite visit of each opioid treatment program facility to assess compliance with this chapter.

(c) Not later than April 1 of each year, the division shall report to the general assembly in electronic format under IC 5-14-6 the following information:

(1) The number of prior authorizations that were approved under subsection (a)(1)(A) in the previous year and the:

(A) time frame for each approval; and

(B) duration of each approved treatment.

(2) The number of authorizations under subdivision (1) that were, in the previous year, revoked due to a patient's violation of an applicable term or condition.

(3) The number of each of the actions taken under section 5.8(a) of this chapter in the previous year.

(4) The number and type of violations assessed for each action specified in section 5.8(a) of this chapter in the previous year.

(d) A facility shall report, in a manner prescribed by the division, all information required by the division to complete the report described in subsection (c).

SECTION 2. IC 12-23-18-5.8, AS ADDED BY P.L.116-2008, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5.8. (a) The ~~director of the division state opioid treatment authority~~ may take any of the following actions based on any grounds described in subsection (b):

(1) Issue a letter of correction.

(2) Reinspect an opioid treatment program facility.

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(3) Deny renewal of, or revoke, any of the following:

(A) Specific approval to operate as an opioid treatment program.

(B) Certification of an opioid treatment facility.

(4) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) **per violation.**

(b) The ~~director of the division~~ **state opioid treatment authority** may take action under subsection (a) based on any of the following grounds:

(1) Violation of this chapter or rules adopted under this chapter.

(2) Permitting, aiding, or abetting the commission of any illegal act in an opioid treatment program facility.

(3) Conduct or practice found by the ~~director~~ **state opioid treatment authority** to be detrimental to the welfare of an opioid treatment program patient.

(c) IC 4-21.5 applies to an action under this section.



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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