



Reprinted
April 14, 2015

ENGROSSED HOUSE BILL No. 1448

DIGEST OF HB 1448 (Updated April 13, 2015 4:06 pm - DI 104)

Citations Affected: IC 11-12; IC 12-15; IC 12-23; IC 12-26.

Synopsis: Mental health drugs and coverage. Includes inpatient substance abuse detoxification services as a Medicaid service. Authorizes the office of Medicaid policy and planning to require prior authorization for addictive medication used as medication assisted treatment for substance abuse. Allows money in the forensic treatment services account to be used to fund grants and vouchers for licensed mental health or addiction providers. Requires information and training to judges, prosecutors, and public defenders concerning diversion programs, probationary programs, and involuntary commitment.

Effective: July 1, 2015.

Davisson, Clere, Brown C, Zent

(SENATE SPONSORS — MILLER PATRICIA, GROOMS, STOOPS)

January 14, 2015, read first time and referred to Committee on Public Health.
February 5, 2015, reported — Do Pass.
February 9, 2015, read second time, ordered engrossed. Engrossed.
February 10, 2015, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Health & Provider Services.

April 9, 2015, amended, reported favorably — Do Pass.
April 13, 2015, read second time, amended, ordered engrossed.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1448

A BILL FOR AN ACT to amend the Indiana Code concerning mental health.

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

1 SECTION 1. IC 11-12-3.7-7.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 7.5. The following persons shall**
4 **provide or be provided information and training concerning**
5 **diversion programs or other probationary programs available for**
6 **individuals with an addictive disorder, including information on**
7 **medication assisted treatment within these programs:**

- 8 (1) **Judges, provided by the Indiana judicial center.**
9 (2) **Prosecutors, provided by the prosecuting attorneys**
10 **council.**
11 (3) **Public defenders, provided by the public defender council**
12 **of Indiana.**

13 SECTION 2. IC 12-15-5-1, AS AMENDED BY P.L.274-2013,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 1. Except as provided in IC 12-15-2-12,

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- 1 IC 12-15-6, and IC 12-15-21, the following services and supplies are
 2 provided under Medicaid:
- 3 (1) Inpatient hospital services.
 - 4 (2) Nursing facility services.
 - 5 (3) Physician's services, including services provided under
 6 IC 25-10-1 and IC 25-22.5-1.
 - 7 (4) Outpatient hospital or clinic services.
 - 8 (5) Home health care services.
 - 9 (6) Private duty nursing services.
 - 10 (7) Physical therapy and related services.
 - 11 (8) Dental services.
 - 12 (9) Prescribed laboratory and x-ray services.
 - 13 (10) Prescribed drugs and pharmacist services.
 - 14 (11) Eyeglasses and prosthetic devices.
 - 15 (12) Optometric services.
 - 16 (13) Diagnostic, screening, preventive, and rehabilitative services.
 - 17 (14) Podiatric medicine services.
 - 18 (15) Hospice services.
 - 19 (16) Services or supplies recognized under Indiana law and
 20 specified under rules adopted by the office.
 - 21 (17) Family planning services except the performance of
 22 abortions.
 - 23 (18) Nonmedical nursing care given in accordance with the tenets
 24 and practices of a recognized church or religious denomination to
 25 an individual qualified for Medicaid who depends upon healing
 26 by prayer and spiritual means alone in accordance with the tenets
 27 and practices of the individual's church or religious denomination.
 - 28 (19) Services provided to individuals described in IC 12-15-2-8
 29 and IC 12-15-2-9.
 - 30 (20) Services provided under IC 12-15-34 and IC 12-15-32.
 - 31 (21) Case management services provided to individuals described
 32 in IC 12-15-2-11 and IC 12-15-2-13.
 - 33 (22) Any other type of remedial care recognized under Indiana
 34 law and specified by the United States Secretary of Health and
 35 Human Services.
 - 36 (23) Examinations required under IC 16-41-17-2(a)(10).
 - 37 **(24) Inpatient substance abuse detoxification services.**
 - 38 SECTION 3. IC 12-15-35.5-3, AS AMENDED BY P.L.229-2011,
 39 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) Except as provided in
 41 subsection (b), the office may establish prior authorization
 42 requirements for drugs covered under a program described in section



1 of this chapter.

2 (b) With the exception of prior authorization for "brand medically
3 necessary" of a brand name drug with a generic equivalent in
4 accordance with IC 16-42-22-10, the office may not require prior
5 authorization for the following single source or brand name
6 multisource drugs:

7 (1) A drug that is classified as an antianxiety, antidepressant, or
8 antipsychotic central nervous system drug in the most recent
9 publication of Drug Facts and Comparisons (published by the
10 Facts and Comparisons Division of J.B. Lippincott Company).

11 (2) A drug that, according to:

12 (A) the American Psychiatric Press Textbook of
13 Psychopharmacology;

14 (B) Current Clinical Strategies for Psychiatry;

15 (C) Drug Facts and Comparisons; or

16 (D) a publication with a focus and content similar to the
17 publications described in clauses (A) through (C);

18 is a cross-indicated drug for a central nervous system drug
19 classification described in subdivision (1).

20 (3) A drug that is:

21 (A) classified in a central nervous system drug category or
22 classification (according to Drug Facts and Comparisons) that
23 is created after March 12, 2002; and

24 (B) prescribed for the treatment of a mental illness (as defined
25 in the most recent publication of the American Psychiatric
26 Association's Diagnostic and Statistical Manual of Mental
27 Disorders).

28 **(c) The office may require prior authorization for an addictive
29 medication used as medication assisted treatment for substance
30 abuse.**

31 ~~(e)~~ (d) Except as provided under section 7 of this chapter, a
32 recipient enrolled in a program described in section 1 of this chapter
33 shall have unrestricted access to a drug described in subsection (b).

34 SECTION 4. IC 12-23-19-4, AS ADDED BY SEA 464-2015, SEC.
35 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
36 2015]: Sec. 4. (a) As used in this section, "account" refers to the mental
37 health and addiction forensic treatment services account established by
38 subsection (b).

39 (b) The mental health and addiction forensic treatment services
40 account is established for the purpose of providing grants, vouchers,
41 and for leveraging federal funds for the provision of mental health and
42 addiction forensic treatment services. The account shall be



1 administered by the division. The division may use money in the
 2 account only to fund grants and vouchers under this chapter that are
 3 provided to the following:

- 4 (1) Community corrections programs.
- 5 (2) Court administered programs.
- 6 (3) Probation programs.
- 7 (4) Community mental health centers.
- 8 (5) Certified **or licensed** mental health or addiction providers.

9 (c) The account consists of:

- 10 (1) appropriations made by the general assembly;
- 11 (2) grants; and
- 12 (3) gifts and bequests.

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

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

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

21 (g) Money deposited in the account may be used as the required
 22 state match under the Medicaid rehabilitation program and the
 23 Behavioral and Primary Healthcare Coordination program under
 24 Section 1915(i) of the Social Security Act.

25 SECTION 5. IC 12-26-1-1.5 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2015]: **Sec. 1.5. The following shall, in consultation with the
 28 division of mental health and addiction, provide or be provided
 29 information and training concerning involuntary commitment,
 30 including the use of involuntary commitment for individuals who
 31 have a substance abuse or addiction condition:**

- 32 (1) Judges, provided by the Indiana judicial center.
- 33 (2) Prosecutors, provided by the prosecuting attorneys
 34 council.
- 35 (3) Public defenders, provided by the public defender council
 36 of Indiana.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1448, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1448 as introduced.)

CLERE

Committee Vote: Yeas 13, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1448, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 39, after "shall" insert ", **in consultation with the division of mental health and addiction,**".

and when so amended that said bill do pass.

(Reference is to HB 1448 as printed February 6, 2015.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1448 be amended to read as follows:

Page 3, delete lines 28 through 30.

Page 3, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 4. IC 12-23-19-4, AS ADDED BY SEA 464-2015, SEC. 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established by subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants, vouchers,

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and for leveraging federal funds for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division. The division may use money in the account only to fund grants and vouchers under this chapter that are provided to the following:

- (1) Community corrections programs.
- (2) Court administered programs.
- (3) Probation programs.
- (4) Community mental health centers.
- (5) Certified **or licensed** mental health or addiction providers.

(c) The account consists of:

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

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

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

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

(g) Money deposited in the account may be used as the required state match under the Medicaid rehabilitation program and the Behavioral and Primary Healthcare Coordination program under Section 1915(i) of the Social Security Act."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1448 as printed April 10, 2015.)

MILLER PATRICIA

