

# HOUSE BILL No. 1542

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-8-1.5-19; IC 12-15; IC 12-21-2-10; IC 25-23.6-2-6.

**Synopsis:** Mental health and addiction services. Requires that the office of the secretary of family and social services prepare and submit a report that: (1) identifies certain administrative and reporting requirements that are unnecessary or overly burdensome; and (2) makes recommendations. Requires the office of Medicaid policy and planning to include a clinical social worker, mental health counselor, and marriage and family therapist as eligible providers for the supervision of a plan of treatment for a patient's outpatient mental health or substance abuse treatment services, if the supervision is in the provider's scope of practice, education, and training. Provides that a managed care organization may not require a licensed psychiatrist to be certified by the American Board of Psychiatry and Neurology for purposes of credentialing or contracting with the psychiatrist while the psychiatrist is practicing at a community mental health center. Prohibits the division of mental health and addiction from implementing certain federal regulations concerning home and community based standards before the final date required by the United States Department of Health and Human Services to implement the regulation. Requires the behavioral health and human services licensing board to meet monthly.

**Effective:** July 1, 2019.

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## Kirchhofer

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January 17, 2019, read first time and referred to Committee on Public Health.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1542

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 12-8-1.5-19 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2019]: **Sec. 19. (a) Before October 1, 2019, the office of the**  
4 **secretary of family and social services shall prepare and submit a**  
5 **report as described in subsection (b) to the legislative council in an**  
6 **electronic format under IC 5-14-6.**

7 **(b) The office of the secretary shall conduct a comprehensive**  
8 **study of the health programs that the office of the secretary**  
9 **administers or oversees, including programs administered by**  
10 **managed care programs under IC 12-15-12 and programs**  
11 **contracted with the office of Medicaid policy and planning. The**  
12 **report must:**

- 13 **(1) identify administrative and reporting requirements by**
- 14 **health providers under contract with the office of the**
- 15 **secretary that are unnecessary or overly burdensome; and**
- 16 **(2) include recommendations for reductions in administrative**
- 17 **burdens related to the administration and oversight described**



1 **in this subsection.**

2 **(c) This section expires July 1, 2020.**

3 SECTION 2. IC 12-15-5-14, AS AMENDED BY P.L.129-2018,  
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 14. (a) As used in this section, "advanced practice  
6 registered nurse" means:

- 7 (1) a nurse practitioner; or  
8 (2) a clinical nurse specialist;

9 who is a registered nurse licensed under IC 25-23 and qualified to  
10 practice nursing in a specialty role based upon the additional  
11 knowledge and skill gained through a formal organized program of  
12 study and clinical experience, or the equivalent as determined by the  
13 Indiana state board of nursing.

14 (b) As used in this section, "office" includes the following:

- 15 (1) The office of the secretary of family and social services.  
16 (2) A managed care organization that has contracted with the  
17 office of Medicaid policy and planning under this article.  
18 (3) A person that has contracted with a managed care organization  
19 described in subdivision (2).

20 (c) The office shall reimburse eligible Medicaid claims for the  
21 following services provided by an advanced practice registered nurse  
22 employed by a community mental health center if the services are part  
23 of the advanced practice registered nurse's scope of practice:

- 24 (1) Mental health services.  
25 (2) Behavioral health services.  
26 (3) Substance abuse treatment.  
27 (4) Primary care services.  
28 (5) Evaluation and management services for inpatient or  
29 outpatient psychiatric treatment.  
30 (6) Prescription drugs.

31 (d) The office shall include an advanced practice registered nurse,  
32 **a clinical social worker, a mental health counselor, and a marriage**  
33 **and family therapist** as an eligible ~~provider~~ **providers** for the  
34 supervision of a plan of treatment for a patient's outpatient mental  
35 health or substance abuse treatment services, if the supervision is in the  
36 ~~advanced practice registered nurse's~~ scope of practice, education, and  
37 ~~training of the advanced practice registered nurse, clinical social~~  
38 **worker, mental health counselor, or marriage and family therapist.**

39 (e) This section:

- 40 (1) may not be construed to expand ~~an advanced practice~~  
41 ~~registered nurse's~~ **the scope of practice of an advanced practice**  
42 **registered nurse, a clinical social worker, a mental health**



1 **counselor, or a marriage and family therapist; and**  
 2 (2) is subject to IC 25-23-1-19.4(c) and, **regarding an advanced**  
 3 **practice registered nurse**, applies only if the service is included  
 4 in the advanced practice registered nurse's practice agreement  
 5 with a collaborating physician.

6 SECTION 3. IC 12-15-12-23 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 8 [EFFECTIVE JULY 1, 2019]: **Sec. 23. A managed care organization**  
 9 **may not require a psychiatrist who is licensed under IC 25-22.5 to**  
 10 **be certified by the American Board of Psychiatry and Neurology**  
 11 **for purposes of credentialing or contracting with the psychiatrist**  
 12 **while the psychiatrist is practicing at a community mental health**  
 13 **center.**

14 SECTION 4. IC 12-21-2-10 IS ADDED TO THE INDIANA CODE  
 15 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY  
 16 1, 2019]: **Sec. 10. (a) The division may not implement any federal**  
 17 **regulation that:**

18 **(1) is adopted by the United States Department of Health and**  
 19 **Human Services under 42 CFR Parts 430, 431, 435, 436, 440,**  
 20 **441, or 447; and**

21 **(2) concerns home and community based standards;**  
 22 **before the final date required by the United States Department of**  
 23 **Health and Human Services to implement the regulation.**

24 **(b) Nothing in this section prohibits the division from adopting**  
 25 **rules under IC 4-22-2 to implement the federal home and**  
 26 **community based standards, if the rule is not enforced before the**  
 27 **final date required by the United States Department of Health and**  
 28 **Human Services to implement the regulation.**

29 **(c) This section expires July 1, 2021.**

30 SECTION 5. IC 25-23.6-2-6 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 6. The board shall meet**  
 32 **at least one (1) time each year: monthly.**

