

SENATE BILL No. 375

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-23-18-2.5.

Synopsis: Testing opioid treatment program patients. Requires that an opioid treatment program periodically and randomly test a patient for certain drugs at least 16 times during each 12 month period during the patient's treatment by the program.

Effective: July 1, 2017.

Raatz

January 10, 2017, read first time and referred to Committee on Health and Provider Services.



First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

SENATE BILL No. 375

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 12-23-18-2.5, AS AMENDED BY P.L.131-2014,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 2.5. (a) An opioid treatment program must
4 periodically and randomly test, including before receiving treatment,
5 a patient for the following during the patient's treatment by the
6 program:
7 (1) Methadone.
8 (2) Cocaine.
9 (3) Opiates.
10 (4) Amphetamines.
11 (5) Barbiturates.
12 (6) Tetrahydrocannabinol.
13 (7) Benzodiazepines.
14 (8) Any other suspected or known drug that may have been
15 abused by the patient.
16 (b) If a patient tests positive under a test described in subsection (a)
17 for:



1 (1) a controlled substance other than a drug for which the patient
2 has a prescription or that is part of the patient's treatment plan at
3 the opioid treatment program; or

4 (2) an illegal drug other than the drug that is part of the patient's
5 treatment plan at the opioid treatment program;

6 the opioid treatment program and the patient must comply with the
7 requirements under subsection (c).

8 (c) If a patient tests positive under a test for a controlled substance
9 or illegal drug that is not allowed under subsection (a), the following
10 conditions must be met:

11 (1) The opioid treatment program must refer the patient to the
12 onsite physician for a clinical evaluation that must be conducted
13 not more than ten (10) days after the date of the patient's positive
14 test. The physician shall consult with medical and behavioral staff
15 to conduct the evaluation. The clinical evaluation must
16 recommend a remedial action for the patient that may include
17 discharge from the opioid treatment program or amending the
18 treatment plan to require a higher level of supervision.

19 (2) The opioid treatment program may not allow the patient to
20 take any opioid treatment medications from the treatment facility
21 until the patient has completed a clinical assessment under
22 subdivision (1) and has passed a random test. The patient must
23 report to the treatment facility daily, except when the facility is
24 closed, until the onsite physician, after consultation with the
25 medical and behavioral staff, determines that daily treatment is no
26 longer necessary.

27 (3) The patient must take a weekly random test until the patient
28 passes a test under subsection (a).

29 (d) An opioid treatment program must conduct all tests required
30 under this section in an observed manner to assure that a false sample
31 is not provided by the patient.

32 **(e) An opioid treatment program must administer a drug test to**
33 **a patient required by subsection (a) at least sixteen (16) times**
34 **during each twelve (12) month period during the patient's**
35 **treatment by the opioid treatment program.**

