

HOUSE BILL No. 1183

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-23.6.

Synopsis: Mental health diagnosis. Provides a definition of "mental health diagnosis" that is applicable to licensed clinical addiction counselors, clinical social workers, marriage and family therapists, and mental health counselors. Provides that if a clinical addiction counselor, clinical social worker, marriage and family therapist, or mental health counselor performs an evaluation to determine a diagnosis and the evaluation suggests the possibility of a physical condition that requires medical attention, the individual shall promptly refer the patient to a physician.

Effective: July 1, 2020.

Ziemke

January 13, 2020, read first time and referred to Committee on Public Health.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1183

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 25-23.6-1-5.6 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2020]: **Sec. 5.6. (a) "Mental health diagnosis"**
4 **means the evaluation of mental, emotional, behavioral, and**
5 **addictive disorders and conditions:**
6 **(1) using accepted classifications, including classifications**
7 **from:**
8 **(A) the American Psychiatric Association's Diagnostic and**
9 **Statistical Manual of Mental Disorders (DSM), as amended**
10 **and supplemented; and**
11 **(B) the International Classification of Diseases (ICD), as**
12 **amended and supplemented; and**
13 **(2) to the extent of the individual's education, training, and**
14 **experience but only within the individual's scope of practice**
15 **under section 5.9, 6, 7, or 7.5 of this chapter.**
16 **(b) The term does not include physical diagnosis.**
17 SECTION 2. IC 25-23.6-1-5.9, AS ADDED BY P.L.122-2009,



1 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2020]: Sec. 5.9. (a) "Practice of clinical addiction counseling"
 3 means the providing of professional services that are delivered by a
 4 licensed clinical addiction counselor, that are designed to change
 5 substance use or addictive behavior, and that involve specialized
 6 knowledge and skill related to addictions and addictive behaviors,
 7 including understanding addiction, knowledge of the treatment process,
 8 application to practice, and professional readiness. The term includes:

9 (1) gathering information through structured interview screens
 10 using routine protocols and standardized clinical instruments;

11 (2) using appraisal instruments as an aid in individualized
 12 treatment planning that the licensed clinical addiction counselor
 13 is qualified to employ because of:

14 (A) education;

15 (B) training; and

16 (C) experience;

17 (3) providing psychosocial evaluations using accepted
 18 classifications, including classifications from the American
 19 Psychiatric Association's Diagnostic and Statistical Manual of
 20 Mental Disorders, as amended and supplemented, to the extent of
 21 the licensed clinical addiction counselor's education, training,
 22 experience, and scope of practice as established by this article; a
 23 **mental health diagnosis;**

24 (4) reviewing assessment findings to:

25 (A) develop a plan for individualized addiction treatment;

26 (B) coordinate services; and

27 (C) provide subsequent assessment updates;

28 (5) using counseling and psychotherapeutic techniques through
 29 individual, group, and family counseling to treat addiction and
 30 other substance related problems and conditions in a variety of
 31 settings, including:

32 (A) mental and physical health facilities;

33 (B) child and family service agencies; and

34 (C) private practice;

35 (6) providing client and family education related to addictions;

36 (7) providing information on social networks and community
 37 systems for referrals and discharge planning;

38 (8) participating in multidisciplinary treatment team meetings or
 39 consulting with clinical addiction professionals; and

40 (9) maintaining the highest level of professionalism and ethical
 41 responsibility.

42 (b) The term does not include diagnosis (as defined in



1 IC 25-22.5-1-1.1(c):

2 SECTION 3. IC 25-23.6-1-6 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) "Practice of
4 clinical social work" means professional services that are designed to
5 help individuals, marriages, couples, families, groups, and communities
6 to enhance or restore their capacity for functioning by:

7 (1) assisting in the obtaining or improving of tangible social and
8 health services;

9 (2) providing ~~psychosocial evaluations using accepted~~
10 ~~classifications, including classifications from the American~~
11 ~~Psychiatric Association's Diagnostic and Statistical Manual of~~
12 ~~Mental Disorders (DSM-IV) as amended and supplemented, but~~
13 ~~only to the extent of the counselor's education, training,~~
14 ~~experience, and scope of practice as established by this article; a~~
15 **mental health diagnosis;**

16 (3) using appraisal instruments as an aid in treatment planning
17 that the clinical social worker is qualified to employ by virtue of
18 the counselor's education, training, and experience; and

19 (4) counseling and psychotherapeutic techniques, casework social
20 work advocacy, and treatment in a variety of settings that include
21 mental and physical health facilities, child and family service
22 agencies, or private practice.

23 (b) ~~The term does not include diagnosis (as defined in~~
24 ~~IC 25-22.5-1-1.1(c)):~~

25 SECTION 4. IC 25-23.6-1-7 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. "Practice of marriage
27 and family therapy" means a specialty that:

28 (1) uses an applied understanding of the dynamics of marital,
29 relational, and family systems, and individual psychodynamics;

30 (2) uses counseling and psychotherapeutic techniques;

31 (3) ~~evaluates~~ **provides a mental health diagnosis** and treats
32 mental and emotional conditions, resolves intrapersonal and
33 interpersonal conflict, and changes perceptions, attitudes, and
34 behavior, all within the context of family, marital, and relational
35 systems; ~~including the use of accepted evaluation classifications,~~
36 ~~including classifications from the American Psychiatric~~
37 ~~Association's Diagnostic and Statistical Manual of Mental~~
38 ~~Disorders (DSM-IV) as amended and supplemented, but only to~~
39 ~~the extent of the counselor's education, training, experience, and~~
40 ~~scope of practice as established by this article;~~

41 (4) uses individual, group, couple, sexual, family, and divorce
42 therapy; and



1 (5) uses appraisal instruments that evaluate individual, marital,
 2 relational, communicational, parent and child, and family
 3 functioning that the marriage and family therapist is qualified to
 4 employ by virtue of the counselor's education, training, and
 5 experience.

6 ~~The term does not include diagnosis (as defined in~~
 7 ~~IC 25-22.5-1-1.1(e)).~~

8 SECTION 5. IC 25-23.6-1-7.5 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. "Practice of mental
 10 health counseling" means a specialty that:

11 (1) uses counseling and psychotherapeutic techniques based on
 12 principles, methods, and procedures of counseling that assist
 13 people in identifying and resolving personal, social, vocational,
 14 intrapersonal, and interpersonal concerns;

15 (2) uses counseling to ~~evaluate~~ **provide a mental health**
 16 **diagnosis** and treat emotional and mental problems and
 17 conditions in a variety of settings, including mental and physical
 18 health facilities, child and family service agencies, or private
 19 practice; ~~and including the use of accepted evaluation~~
 20 ~~classifications; including classifications from the American~~
 21 ~~Psychiatric Association's Diagnostic and Statistical Manual of~~
 22 ~~Mental Disorders (DSM-IV) as amended and supplemented; but~~
 23 ~~only to the extent of the counselor's education, training;~~
 24 ~~experience; and scope of practice as established by this article;~~

25 (3) administers and interprets appraisal instruments that the
 26 mental health counselor is qualified to employ by virtue of the
 27 counselor's education, training, and experience;

28 (4) uses information and community resources for personal,
 29 social, or vocational development;

30 (5) uses individual and group techniques for facilitating problem
 31 solving, decision making, and behavioral change;

32 (6) uses functional assessment and vocational planning guidance
 33 for persons requesting assistance in adjustment to a disability or
 34 disabling condition;

35 (7) uses referrals for individuals who request counseling services;
 36 and

37 (8) uses and interprets counseling research.

38 ~~The term does not include diagnosis (as defined in~~
 39 ~~IC 25-22.5-1-1.1(e)).~~

40 SECTION 6. IC 25-23.6-5-17 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2020]: **Sec. 17. If an individual licensed**



1 under this chapter performs an evaluation to determine a diagnosis
2 and the evaluation suggests the possibility of a physical condition
3 that requires medical attention, the individual shall promptly refer
4 the patient to a physician licensed under IC 25-22.5.

5 SECTION 7. IC 25-23.6-8-15 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2020]: **Sec. 15. If an individual licensed**
8 **under this chapter performs an evaluation to determine a diagnosis**
9 **and the evaluation suggests the possibility of a physical condition**
10 **that requires medical attention, the individual shall promptly refer**
11 **the patient to a physician licensed under IC 25-22.5.**

12 SECTION 8. IC 25-23.6-8.5-14 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2020]: **Sec. 14. If an individual licensed**
15 **under this chapter performs an evaluation to determine a diagnosis**
16 **and the evaluation suggests the possibility of a physical condition**
17 **that requires medical attention, the individual shall promptly refer**
18 **the patient to a physician licensed under IC 25-22.5.**

19 SECTION 9. IC 25-23.6-10.5-16 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2020]: **Sec. 16. If an individual licensed**
22 **under this chapter performs an evaluation to determine a diagnosis**
23 **and the evaluation suggests the possibility of a physical condition**
24 **that requires medical attention, the individual shall promptly refer**
25 **the patient to a physician licensed under IC 25-22.5.**

