

HOUSE BILL No. 1216

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-15-5-13.5; IC 12-26-5-1.

Synopsis: Medical services for certain detainees. Requires Medicaid reimbursement for services required to be covered by the office of the secretary of family and social services provided to an eligible individual while the individual is involuntarily committed to a facility for mental health services. Amends the requirements for an application for detention.

Effective: Upon passage.

**Steuerwald, McNamara, Jeter,
Moseley**

January 9, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1216

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 12-15-5-13.5, AS ADDED BY P.L.205-2023,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 13.5. (a) **As used in this section, "office"**
4 **includes the following:**
5 (1) **The office of the secretary of family and social services.**
6 (2) **A managed care organization that has contracted with the**
7 **office of Medicaid policy and planning under IC 12-15.**
8 (3) **A person that has contracted with a managed care**
9 **organization described in subdivision (2).**
10 (b) Services provided to an individual while detained under
11 IC 12-26-5 are medically necessary when provided in accordance with
12 generally accepted clinical care guidelines.
13 ~~(b)~~ (c) **The office of the secretary** shall require managed care
14 organizations to consider services provided to an individual while
15 detained under IC 12-26-5 as medically necessary when provided in
16 accordance with generally accepted clinical care guidelines.
17 (d) **The office shall reimburse for services required to be**



1 covered by the office of the secretary provided to an eligible
 2 individual while detained under IC 12-26-5, regardless of medical
 3 necessity criteria, for a period not to exceed fourteen (14) days,
 4 excluding Saturdays, Sundays, and legal holidays, or the date of a
 5 final hearing under IC 12-26-5-11, whichever occurs first.

6 (e) The office shall reimburse for services required to be
 7 covered by the office of the secretary provided to an eligible
 8 individual in accordance with a mental health or substance use
 9 disorder treatment plan while the individual is detained pursuant
 10 to a final order issued under IC 12-26-5-11, subject to medical
 11 necessity criteria according to clinical care guidelines established
 12 and published by the office of the secretary.

13 SECTION 2. IC 12-26-5-1, AS AMENDED BY P.L.205-2023,
 14 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 UPON PASSAGE]: Sec. 1. (a) Except as otherwise provided in this
 16 chapter, an individual may be detained in a facility for not more than
 17 seventy-two (72) hours under this chapter, excluding Saturdays,
 18 Sundays, and legal holidays, if a written application for detention is
 19 filed with a court of competent jurisdiction in accordance with this
 20 section.

21 (b) An individual may be detained in a facility for not more than
 22 forty-eight (48) hours from the time of admission, excluding Saturdays,
 23 Sundays, and legal holidays, unless the facility files an application for
 24 detention, on a form prepared by the office of judicial administration,
 25 with a court of competent jurisdiction within the forty-eight (48) hour
 26 period. If the facility timely files an application for detention, the
 27 individual may be detained for not more than seventy-two (72) hours
 28 from the time of admission, excluding Saturdays, Sundays, and legal
 29 holidays, unless the court approves the application for detention. If the
 30 court approves the application for detention, the individual may be held
 31 for not more than fourteen (14) days, from the time of admission,
 32 excluding Saturdays, Sundays, and legal holidays, pending a final
 33 hearing under section 11 of this chapter. If a patient is admitted to a
 34 facility after midnight and before 8:00 a.m., the time periods described
 35 in this subsection begin to run at 8:00 a.m.

36 (c) An application for detention under subsection (b) must contain
 37 an attestation signed by a physician that ~~the individual has been~~
 38 ~~examined by a physician; an advanced practice registered nurse; or a~~
 39 ~~physician assistant; and that based on this examination; or based on~~
 40 ~~other information provided to the physician; advanced practice~~
 41 ~~registered nurse; or physician assistant; the applicant believes that there~~
 42 is probable cause to believe that:



- 1 (1) the individual is mentally ill and either dangerous or gravely
2 disabled; and
3 (2) the individual requires continuing involuntary detention to
4 receive care and treatment;
5 **based on an examination by a physician, advanced practice**
6 **registered nurse, or physician assistant, or information given to a**
7 **physician, advanced practice registered nurse, or physician**
8 **assistant.**
9 (d) A facility may not be required to first seek transfer of the
10 individual to a psychiatric hospital before commencing an application
11 for detention.
12 (e) A facility may commence an application for detention even if an
13 individual was not apprehended and transported to a facility under
14 section 0.5 of this chapter.
15 **SECTION 3. An emergency is declared for this act.**

