

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 ENROLLED ACT No. 1216

AN ACT to amend the Indiana Code concerning human services.

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

SECTION 1. IC 12-15-5-13.5, AS ADDED BY P.L.205-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13.5. (a) ~~Services provided to an individual while detained under IC 12-26-5 are medically necessary when provided in accordance with generally accepted clinical care guidelines.~~

(b) ~~The office shall require managed care organizations to consider services provided to an individual while detained under IC 12-26-5 as medically necessary when provided in accordance with generally accepted clinical care guidelines.~~ (a) **As used in this section, "office" includes the following:**

- (1) **The office of the secretary of family and social services.**
- (2) **A managed care organization that has contracted with the office of Medicaid policy and planning under IC 12-15.**
- (3) **A person that has contracted with a managed care organization described in subdivision (2).**

(b) **The office shall reimburse for Medicaid covered services provided to a Medicaid recipient while detained under IC 12-26-5, regardless of medical necessity criteria, for the earlier of:**

- (1) **a period not to exceed fourteen (14) days, excluding Saturdays, Sundays, and legal holidays; or**
- (2) **the date of a final hearing under IC 12-26-5-11.**

(c) **The office shall reimburse for Medicaid covered services**

HEA 1216 — Concur



provided to a Medicaid recipient in accordance with a mental health or substance use disorder treatment plan while the individual is detained under a final order after a final hearing under IC 12-26-5-11, subject to medical necessity criteria according to clinical care guidelines established and published by the office of the secretary.

(d) On or before February 1, 2025, the office of the secretary of family and social services shall report to the budget committee the following information for Medicaid claims data ranging from July 1, 2024, to December 31, 2024:

- (1) The total number of individuals who received Medicaid services.
- (2) The total amount of state and federal funding expended for individuals who received Medicaid services.
- (3) The ten (10) highest utilized treatments and services by number of people and the total state and federal expenditures.
- (4) Any other information requested by the budget committee.

(e) This section expires June 30, 2025.

SECTION 2. IC 12-26-5-1, AS AMENDED BY P.L.205-2023, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 1. (a) Except as otherwise provided in this chapter, an individual may be detained in a facility for not more than seventy-two (72) hours under this chapter, excluding Saturdays, Sundays, and legal holidays, if a written application for detention is filed with a court of competent jurisdiction in accordance with this section.

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

(c) An application for detention under subsection (b) must contain



an attestation signed by a physician that the individual has been examined by a physician, an advanced practice registered nurse, or a physician assistant, and that based on this examination, or based on other information provided to the physician, advanced practice registered nurse, or physician assistant, the applicant believes that there is probable cause to believe that:

- (1) the individual is mentally ill and either dangerous or gravely disabled; and
- (2) the individual requires continuing involuntary detention to receive care and treatment;

based on an examination by a physician, advanced practice registered nurse, or physician assistant, or information given to a physician, advanced practice registered nurse, or physician assistant.

(d) A facility may not be required to first seek transfer of the individual to a psychiatric hospital before commencing an application for detention.

(e) A facility may commence an application for detention even if an individual was not apprehended and transported to a facility under section 0.5 of this chapter.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1216 — Concur

