

## SENATE BILL No. 82

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-23.6.

**Synopsis:** Mental health diagnosis. Defines "mental health diagnosis" and sets forth requirements that must be met in order for certain licensed professionals to provide a mental health diagnosis. Requires certain mental health professionals who are making a mental health diagnosis and who determine that the patient has not been examined by a physician in the preceding 12 months to recommend to the patient that the patient schedule an examination by a physician at the earliest opportunity. Requires notation of that recommendation in the patient's medical record.

**Effective:** July 1, 2021.

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January 5, 2021, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

## SENATE BILL No. 82

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, 2021]: **Sec. 5.6. (a) "Mental health diagnosis"**  
4 **means the evaluation of mental, emotional, behavioral, and**  
5 **addictive disorders and conditions by an individual who:**  
6 **(1) uses accepted classifications, including the most current**  
7 **version of:**  
8 **(A) the American Psychiatric Association's Diagnostic and**  
9 **Statistical Manual of Mental Disorders (DSM); and**  
10 **(B) the International Classification of Diseases (ICD); and**  
11 **(2) complies with:**  
12 **(A) the education, training, experience, and licensure**  
13 **requirements set forth in IC 25-23.6-11-4; and**  
14 **(B) the individual's professional scope of practice.**  
15 **(b) The term does not include a physical diagnosis.**  
16 SECTION 2. IC 25-23.6-1-5.9, AS ADDED BY P.L.122-2009,  
17 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 5.9. (a) "Practice of clinical addiction counseling"  
 2 means the providing of professional services that are delivered by a  
 3 licensed clinical addiction counselor, that are designed to change  
 4 substance use or addictive behavior, and that involve specialized  
 5 knowledge and skill related to addictions and addictive behaviors,  
 6 including understanding addiction, knowledge of the treatment process,  
 7 application to practice, and professional readiness. The term includes:

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

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

13 (A) education;

14 (B) training; and

15 (C) experience;

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

23 (4) reviewing assessment findings to:

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

25 (B) coordinate services; and

26 (C) provide subsequent assessment updates;

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

31 (A) mental and physical health facilities;

32 (B) child and family service agencies; and

33 (C) private practice;

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

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

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

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

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



1 SECTION 3. IC 25-23.6-1-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. ~~(a)~~ "Practice of  
 3 clinical social work" means professional services that are designed to  
 4 help individuals, marriages, couples, families, groups, and communities  
 5 to enhance or restore their capacity for functioning by:

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

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

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

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

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

24 SECTION 4. IC 25-23.6-1-7 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. "Practice of marriage  
 26 and family therapy" means a specialty that:

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

29 (2) uses counseling and psychotherapeutic techniques;

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

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

42 (5) uses appraisal instruments that evaluate individual, marital,



1 relational, communicational, parent and child, and family  
 2 functioning that the marriage and family therapist is qualified to  
 3 employ by virtue of the counselor's education, training, and  
 4 experience.

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

7 SECTION 5. IC 25-23.6-1-7.5 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.5. "Practice of mental  
 9 health counseling" means a specialty that:

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

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

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

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

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

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

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

36 (8) uses and interprets counseling research.

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

39 SECTION 6. IC 25-23.6-5-17 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) If an individual licensed**  
 42 **under this chapter performs an evaluation to determine a mental**



1 health diagnosis of a patient and determines that the patient either:

2 (1) has not seen a physician licensed under IC 25-22.5 within  
3 the previous twelve (12) months; or

4 (2) may have a physical condition that requires medical  
5 attention;

6 the individual performing the evaluation shall recommend to the  
7 patient that the patient schedule a physical examination at the  
8 earliest opportunity with a physician licensed under IC 25-22.5.

9 (b) An individual who recommends under subsection (a) that a  
10 patient schedule an examination with a physician shall document  
11 the recommendation in the patient's medical record.

12 SECTION 7. IC 25-23.6-8-15 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) If an individual licensed  
15 under this chapter performs an evaluation to determine a mental  
16 health diagnosis of a patient and determines that the patient either:

17 (1) has not seen a physician licensed under IC 25-22.5 within  
18 the previous twelve (12) months; or

19 (2) may have a physical condition that requires medical  
20 attention;

21 the individual performing the evaluation shall recommend to the  
22 patient that the patient schedule a physical examination at the  
23 earliest opportunity with a physician licensed under IC 25-22.5.

24 (b) An individual who recommends under subsection (a) that a  
25 patient schedule an examination with a physician shall document  
26 the recommendation in the patient's medical record.

27 SECTION 8. IC 25-23.6-8.5-14 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) If an individual licensed  
30 under this chapter performs an evaluation to determine a mental  
31 health diagnosis of a patient and determines that the patient either:

32 (1) has not seen a physician licensed under IC 25-22.5 within  
33 the previous twelve (12) months; or

34 (2) may have a physical condition that requires medical  
35 attention;

36 the individual performing the evaluation shall recommend to the  
37 patient that the patient schedule a physical examination at the  
38 earliest opportunity with a physician licensed under IC 25-22.5.

39 (b) An individual who recommends under subsection (a) that a  
40 patient schedule an examination with a physician shall document  
41 the recommendation in the patient's medical record.

42 SECTION 9. IC 25-23.6-10.5-16 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 16. (a) If an individual licensed**  
 3 **under this chapter performs an evaluation to determine a mental**  
 4 **health diagnosis of a patient and determines that the patient either:**

5 (1) has not seen a physician licensed under IC 25-22.5 within  
 6 the previous twelve (12) months; or

7 (2) may have a physical condition that requires medical  
 8 attention;

9 the individual performing the evaluation shall recommend to the  
 10 patient that the patient schedule a physical examination at the  
 11 earliest opportunity with a physician licensed under IC 25-22.5.

12 (b) An individual who recommends under subsection (a) that a  
 13 patient schedule an examination with a physician shall document  
 14 the recommendation in the patient's medical record.

15 SECTION 10. IC 25-23.6-11-4 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2021]: **Sec. 4. An individual licensed under**  
 18 **this article may not make a mental health diagnosis unless the**  
 19 **individual meets all of the following criteria:**

20 (1) Has at least sixty (60) clock hours (as defined in 34 CFR  
 21 600.2) of graduate studies in mental health diagnosis.

22 (2) Training that includes diagnostic categories from the most  
 23 current version of the American Psychiatric Association's  
 24 Diagnostic and Statistical Manual of Mental Health Disorders  
 25 (DSM) and the most current version of the International  
 26 Classification of Diseases (ICD).

27 (3) Experience that includes at least one thousand (1,000)  
 28 hours of supervised practice by an appropriately licensed  
 29 supervisor, as determined by the board.

30 (4) Is licensed as at least one (1) of the following and meets the  
 31 scope of practice requirements of that profession:

32 (A) Clinical social worker licensed under IC 25-23.6-5.

33 (B) Marriage and family therapist licensed under  
 34 IC 25-23.6-8.

35 (C) Mental health counselor licensed under IC 25-23.6-8.5.

36 (D) Clinical addiction counselor licensed under  
 37 IC 25-23.6-10.5.

