

SENATE BILL No. 82

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.

Crider

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



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.

