

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 ENROLLED ACT No. 82

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

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

SECTION 1. IC 25-23.6-1-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2021]: **Sec. 5.6. (a) "Mental health diagnosis" means the evaluation of mental, emotional, behavioral, and addictive disorders and conditions by an individual who:**

(1) uses accepted classifications, including the most current version of:

(A) the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM); and

(B) the International Classification of Diseases (ICD); and

(2) complies with:

(A) the education, training, experience, and licensure requirements set forth in IC 25-23.6-11-4; and

(B) the individual's professional scope of practice.

(b) The term does not include a physical diagnosis.

SECTION 2. IC 25-23.6-1-5.9, AS ADDED BY P.L.122-2009, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 5.9. (a) "Practice of clinical addiction counseling" means the providing of professional services that are delivered by a licensed clinical addiction counselor, that are designed to change substance use or addictive behavior, and that involve specialized**

SEA 82 — CC 1



knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness. The term includes:

- (1) gathering information through structured interview screens using routine protocols and standardized clinical instruments;
- (2) using appraisal instruments as an aid in individualized treatment planning that the licensed clinical addiction counselor is qualified to employ because of:
 - (A) education;
 - (B) training; and
 - (C) experience;
- (3) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, as amended and supplemented, to the extent of the licensed clinical addiction counselor's education, training, experience, and scope of practice as established by this article; a **mental health diagnosis**;
- (4) reviewing assessment findings to:
 - (A) develop a plan for individualized addiction treatment;
 - (B) coordinate services; and
 - (C) provide subsequent assessment updates;
- (5) using counseling and psychotherapeutic techniques through individual, group, and family counseling to treat addiction and other substance related problems and conditions in a variety of settings, including:
 - (A) mental and physical health facilities;
 - (B) child and family service agencies; and
 - (C) private practice;
- (6) providing client and family education related to addictions;
- (7) providing information on social networks and community systems for referrals and discharge planning;
- (8) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals; and
- (9) maintaining the highest level of professionalism and ethical responsibility.

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

SECTION 3. IC 25-23.6-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) "Practice of clinical social work" means professional services that are designed to help individuals, marriages, couples, families, groups, and communities



to enhance or restore their capacity for functioning by:

- (1) assisting in the obtaining or improving of tangible social and health services;
- (2) providing psychosocial evaluations using accepted classifications, including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article; **a mental health diagnosis;**
- (3) using appraisal instruments as an aid in treatment planning that the clinical social worker is qualified to employ by virtue of the counselor's education, training, and experience; and
- (4) counseling and psychotherapeutic techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or private practice.

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

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

- (1) uses an applied understanding of the dynamics of marital, relational, and family systems, and individual psychodynamics;
- (2) uses counseling and psychotherapeutic techniques;
- (3) ~~evaluates~~ **provides a mental health diagnosis** and treats mental and emotional conditions, resolves intrapersonal and interpersonal conflict, and changes perceptions, attitudes, and behavior, all within the context of family, marital, and relational systems, including the use of accepted evaluation classifications; ~~including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented; but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;~~
- (4) uses individual, group, couple, sexual, family, and divorce therapy; and
- (5) uses appraisal instruments that evaluate individual, marital, relational, communicational, parent and child, and family functioning that the marriage and family therapist is qualified to employ by virtue of the counselor's education, training, and experience.



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

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

- (1) uses counseling and psychotherapeutic techniques based on principles, methods, and procedures of counseling that assist people in identifying and resolving personal, social, vocational, intrapersonal, and interpersonal concerns;
- (2) uses counseling to **evaluate provide a mental health diagnosis** and treat emotional and mental problems and conditions in a variety of settings, including mental and physical health facilities, child and family service agencies, or private practice, and including the use of accepted evaluation classifications; ~~including classifications from the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) as amended and supplemented, but only to the extent of the counselor's education, training, experience, and scope of practice as established by this article;~~
- (3) administers and interprets appraisal instruments that the mental health counselor is qualified to employ by virtue of the counselor's education, training, and experience;
- (4) uses information and community resources for personal, social, or vocational development;
- (5) uses individual and group techniques for facilitating problem solving, decision making, and behavioral change;
- (6) uses functional assessment and vocational planning guidance for persons requesting assistance in adjustment to a disability or disabling condition;
- (7) uses referrals for individuals who request counseling services; and
- (8) uses and interprets counseling research.

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

SECTION 6. IC 25-23.6-5-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 17. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:**

- (1) has not seen:
 - (A) a physician licensed under IC 25-22.5;



- (B) an advanced practice registered nurse licensed under IC 25-23; or
 - (C) a physician assistant licensed under IC 25-27.5; within the previous twelve (12) months; or
 - (2) may have a physical condition that requires medical attention.
- (b) The individual performing the evaluation shall do the following:
- (1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:
 - (A) a physician licensed under IC 25-22.5;
 - (B) an advanced practice registered nurse licensed under IC 25-23; or
 - (C) a physician assistant licensed under IC 25-27.5.
 - (2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:
 - (A) name;
 - (B) address; and
 - (C) telephone number;
 of the practitioners.
 - (3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.
- (c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.
- SECTION 7. IC 25-23.6-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:
- (1) has not seen:
 - (A) a physician licensed under IC 25-22.5;
 - (B) an advanced practice registered nurse licensed under IC 25-23; or
 - (C) a physician assistant licensed under IC 25-27.5; within the previous twelve (12) months; or
 - (2) may have a physical condition that requires medical attention.



(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

(A) name;

(B) address; and

(C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

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

(1) has not seen:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

(A) a physician licensed under IC 25-22.5;



(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:

(A) name;

(B) address; and

(C) telephone number;

of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

SECTION 9. IC 25-23.6-10.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 16. (a) This section applies if an individual licensed under this chapter performs an evaluation to determine a mental health diagnosis of a patient and determines that the patient either:**

(1) has not seen:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5;

within the previous twelve (12) months; or

(2) may have a physical condition that requires medical attention.

(b) The individual performing the evaluation shall do the following:

(1) Advise the patient to schedule, and offer to assist the patient with the scheduling of, a physical examination at the earliest opportunity with:

(A) a physician licensed under IC 25-22.5;

(B) an advanced practice registered nurse licensed under IC 25-23; or

(C) a physician assistant licensed under IC 25-27.5.

(2) Provide the patient with a list of practitioners specified in subdivision (1) that the patient may contact to schedule a physical examination, including the:



- (A) name;
 - (B) address; and
 - (C) telephone number;
- of the practitioners.

(3) Coordinate patient care as appropriate with the practitioner who is providing physical medical care to the patient, unless the patient has declined to consent to the coordination of care.

(c) An individual performing the evaluation shall document all actions taken under subsection (b) in the patient's medical record.

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

- (1) Has at least sixty (60) clock hours (as defined in 34 CFR 600.2) of graduate studies in mental health diagnosis.
- (2) Training that includes diagnostic categories from the most current version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Health Disorders (DSM) and the most current version of the International Classification of Diseases (ICD).
- (3) Experience that includes at least one thousand (1,000) hours of supervised practice by an appropriately licensed supervisor, as determined by the board.
- (4) Is licensed as at least one (1) of the following and meets the scope of practice requirements of that profession:
 - (A) Clinical social worker licensed under IC 25-23.6-5.
 - (B) Marriage and family therapist licensed under IC 25-23.6-8.
 - (C) Mental health counselor licensed under IC 25-23.6-8.5.
 - (D) Clinical addiction counselor licensed under IC 25-23.6-10.5.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 82 — CC 1

