

SENATE BILL No. 413

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-24-5-3; IC 12-26-3-1; IC 12-29-2-21.

Synopsis: Mental health care. Provides, for purposes of provisions of law under which a mentally ill individual may be committed if the individual is dangerous, that an individual may be "dangerous" even though the individual is not inclined toward violent behavior. Amends the provision of law under which an Indiana resident who has a mental illness may be voluntarily admitted to a facility (a hospital, health and hospital corporation, psychiatric hospital, community mental health center, or other institution where an individual with a mental illness can receive rehabilitative treatment and care) to provide that, for purposes of that provision, "mental illness" includes psychiatric and neurobiological brain disorders, including bipolar disorder and major depressive disorder, that sometimes make an individual's performance of the normal activities of everyday life very difficult or impossible. Provides that the voluntary admission of an Indiana resident to a facility by the facility's superintendent may not be limited to Indiana residents who are referred to the facility by a court, the department of child services, a law enforcement agency, or any other officer or entity of state or local government. Provides that whether an individual has insurance coverage and whether the cost of the individual's care may be paid by or on behalf of the individual with private funds may not be considered in determining whether the individual: (1) is admitted to or allowed to continue receiving care in a state institution (an institution that is owned or operated by the state for purposes of the observation, care, treatment, or detention of individuals); or (2) is allowed to receive or continue receiving care from a community mental health center.

Effective: July 1, 2022.

Niezgodski

January 12, 2022, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 413

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 12-7-2-53 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 53. **(a)** "Dangerous",
3 for purposes of IC 12-26, means a condition in which an individual, as
4 a result of mental illness, presents a substantial risk ~~that the individual~~
5 ~~will of:~~

- 6 **(1) suffering self-caused** harm; ~~the individual~~ or
- 7 **(2) harming** others.
- 8 **(b) An individual may be "dangerous" within the meaning of**
- 9 **subsection (a)(1) even though the individual is not inclined toward**
- 10 **violent behavior.**

11 SECTION 2. IC 12-7-2-130, AS AMENDED BY P.L.117-2015,
12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2022]: Sec. 130. "Mental illness" means the following:

- 14 (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26 **(subject**
- 15 **to IC 12-26-3-1(a))**, a psychiatric disorder that:
 - 16 (A) substantially disturbs an individual's thinking, feeling, or
 - 17 behavior; and



- 1 (B) impairs the individual's ability to function.
 2 The term includes intellectual disability, alcoholism, and
 3 addiction to narcotics or dangerous drugs.
 4 (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric
 5 disorder that:
 6 (A) substantially disturbs an individual's thinking, feeling, or
 7 behavior; and
 8 (B) impairs the individual's ability to function.
 9 The term does not include developmental disability.
 10 SECTION 3. IC 12-24-5-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. **(a)** A resident is
 12 entitled to care and maintenance in a state institution if the resident is
 13 legally admitted to the state institution.
 14 **(b) The following may not be considered in determining whether**
 15 **an Indiana resident is admitted to or allowed to continue residing**
 16 **and receiving care in a state institution:**
 17 **(1) Whether the Indiana resident has insurance coverage for**
 18 **hospitalization or medical services.**
 19 **(2) Whether the cost of care and maintenance of the Indiana**
 20 **resident may be paid by or on behalf of the Indiana resident**
 21 **with private funds.**
 22 SECTION 4. IC 12-26-3-1, AS AMENDED BY P.L.99-2007,
 23 SECTION 127, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a) As used in this section,**
 25 **"mental illness":**
 26 **(1) has the meaning set forth in IC 12-7-2-130(1); and**
 27 **(2) includes psychiatric and neurobiological brain disorders,**
 28 **including bipolar disorder and major depressive disorder,**
 29 **that sometimes make an individual's performance of the**
 30 **normal activities of everyday life very difficult or impossible.**
 31 **(b) The superintendent of a facility or an individual's attending**
 32 **physician may admit an Indiana resident who:**
 33 **(1) has a mental illness or has symptoms of mental illness; and**
 34 **(2) makes an appropriate application;**
 35 **for observation, diagnosis, care, or treatment.**
 36 **(c) Voluntary admission to a facility by the superintendent of**
 37 **the facility under subsection (b) may not be limited to Indiana**
 38 **residents who are referred to the facility by a court, the**
 39 **department of child services, a law enforcement agency, or any**
 40 **other officer or entity of state or local government.**
 41 SECTION 5. IC 12-29-2-21 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2022]: **Sec. 21. The following may not be considered in**
2 **determining whether an individual is allowed to receive or continue**
3 **receiving care and services from a community mental health**
4 **center:**

5 (1) **Whether the individual has insurance coverage for**
6 **hospitalization or medical services.**

7 (2) **Whether the cost of care and services for the individual**
8 **may be paid by or on behalf of the individual with private**
9 **funds.**

