

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 273

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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 12-7-2-34, AS AMENDED BY P.L.116-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. "Commission" means the following:

- (1) For purposes of IC 12-10-2, the meaning set forth in IC 12-10-2-1.
- (2) For purposes of IC 12-12-2, the meaning set forth in IC 12-12-2-1.
- (3) For purposes of IC 12-13-14, the meaning set forth in IC 12-13-14-1.
- (4) For purposes of IC 12-15-30.5, the meaning set forth in IC 12-15-30.5-2.
- (5) For purposes of IC 12-21-7, the meaning forth in IC 12-21-7-1.**
- ~~(5)~~ **(6)** For purposes of IC 12-28-1, the meaning set forth in IC 12-28-1-3.

SECTION 2. IC 12-21-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

### **Chapter 7. Indiana Behavioral Health Commission**

**Sec. 1. As used in this chapter, "commission" means the Indiana behavioral health commission established by section 2 of this chapter.**

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**Sec. 2. The Indiana behavioral health commission is established.**

**Sec. 3. (a) The commission shall consist of the following members:**

**(1) One (1) legislative member appointed by the speaker of the house of representatives who shall serve as a nonvoting member.**

**(2) One (1) legislative member appointed by the minority leader of the house of representatives who shall serve as a nonvoting member.**

**(3) One (1) legislative member appointed by the president pro tempore of the senate who shall serve as a nonvoting member.**

**(4) One (1) legislative member appointed by the minority leader of the senate who shall serve as a nonvoting member.**

**(5) The director of the division or the director's designee.**

**(6) The director of the office of Medicaid policy and planning or the director's designee.**

**(7) The director of the department of child services or the director's designee.**

**(8) The director of the department of education or the director's designee.**

**(9) A representative from the office of the secretary of family and social services.**

**(10) A representative from the Indiana school resource officers association.**

**(11) The following individuals from a community mental health center:**

**(A) One (1) representative who serves as a chief executive officer at a community mental health center.**

**(B) Three (3) representatives with supervisory experience at a community mental health center, with one (1) representative from each of the following service areas:**

**(i) Adult services.**

**(ii) Youth services.**

**(iii) Addictions services.**

**(12) A school based mental health coordinator.**

**(13) A representative from a local law enforcement agency.**

**(14) A representative from a mental health advocacy association with statewide jurisdiction.**

**(15) A parent of a student who:**

**(A) is currently using; or**

**(B) has used;**

**school based mental health services.**



**(16) An adult who has received services from or through a local community mental health services provider.**

**(17) The mayor of an Indiana city with an existing mental health initiative.**

**(18) A representative from a local public safety agency.**

**(19) A representative from a state operated mental health facility.**

**(20) A licensed psychiatrist.**

**(21) A psychologist licensed under IC 25-33.**

**(22) An addictionologist.**

**(23) A representative affiliated with an emergency medical services provider.**

**(24) One (1) licensed clinical social worker.**

**(25) One (1) representative of a mental health provider association with statewide jurisdiction.**

**(b) The governor shall appoint the commission members described in subsection (a)(10) through (a)(25). The governor shall appoint one (1) member of the commission to serve as chairperson of the commission.**

**(c) A:**

**(1) chairperson shall serve at the pleasure of the governor; and**

**(2) commission member shall serve at the pleasure of the chairperson.**

**(d) Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided under IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the state department of administration and approved by the budget agency.**

**(e) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**(f) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study**



committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the division.

**Sec. 4. (a) The commission shall prepare the following reports:**

- (1) An interim report due not later than October 1, 2020.**
- (2) A final report due not later than October 1, 2022.**

**(b) The reports described in subsection (a) must address issues in the following four (4) areas:**

- (1) Assessment and inventory.**
- (2) Funding and data.**
- (3) Youth and families.**
- (4) System design and access.**

**(c) The respective assessment and inventory portions of the reports described in subsection (a) must do the following:**

**(1) Conduct an assessment of behavioral health in Indiana. An assessment performed under this subdivision must include an evaluation of the following mental health issues in Indiana:**

- (A) Suicide.**
- (B) Mental health conditions and disorders.**
- (C) Substance use disorders.**
- (D) Childhood trauma.**

**(2) Evaluate barriers to mental health and substance use disorder treatment in Indiana. An assessment performed under this subdivision must include an evaluation of the following:**

- (A) Mental health systems.**
- (B) Access to mental health systems.**
- (C) Mental health providers.**
- (D) Funding for mental health systems and providers.**

**(3) Evaluate other state and national evidence based preventative and mental health programs. An evaluation performed under this subdivision must consider best practices for the following issues:**

- (A) Suicide prevention.**
- (B) Early intervention for mental health related issues.**
- (C) Treatment for substance use disorder.**

**(4) Conduct an inventory and assessment of Indiana's integrated, school based mental health service programs and related evidence based preventative programs.**

**(d) The respective funding and data portions of the reports described in subsection (a) must do the following:**

- (1) Review mental health and substance abuse funding**



sources. A review conducted under this subdivision must include a review of the following:

- (A) Medicaid.
- (B) Recovery works.
- (C) Local tax revenue.
- (D) Block grants.

(2) Make recommendations concerning funding priorities and funding levels for mental health programs and services in Indiana.

(3) Establish the cost of untreated mental illness.

(4) Evaluate the efficacy of the Data Assessment Registry Mental Health and Addiction (DARMHA) system and make recommendations for improving Indiana's current assessment and data system.

(e) The respective youth and families portions of the reports described in subsection (a) must do the following:

(1) Assess the impact of mental health and substance abuse issues on schools and the Indiana workforce. An assessment performed under this subdivision must include an evaluation of programs designed to improve transferrable skills.

(2) Prepare implementation recommendations from the 2018 Indiana School Safety Recommendations report that pertain to mental health and behavioral initiatives. A recommendation issued under this subdivision must provide additional steps designed to increase access to evidence based preventative programs for all students and mental health and behavioral health services for students in kindergarten through grade 12 students in need.

(f) The respective system design and access portions of the reports described in subsection (a) must do the following:

(1) Recommend ways to improve access to a continuum of behavioral health services across Indiana. A recommendation issued under this subdivision must include a review of 440 IAC 4.1.

(2) Recommend options to develop, improve, and implement crisis response protocols for behavioral health emergencies.

(3) Review the implementation of:

- (A) whole health model; and
- (B) integrated care;

paradigms.

(4) Assess value based system design with safety net characteristics.



**(5) Develop recommendations and strategies designed to encourage collaboration, transparency, and innovation in mental health care delivery.**

**(6) Assess how age, race, and geographic location affect access to behavioral and mental health treatment.**

**(g) The commission may, in addition to the topics described in subsections (c) through (f), discuss any other topic or issue related to the overall improvement of the behavioral and mental health of Indiana residents.**

**(h) The reports described under subsection (a) shall be issued to the following parties:**

**(1) The governor.**

**(2) The legislative council.**

**(3) Any other party specified by the commission chairperson.**

**(i) A commission report prepared under this section must be, as appropriate, submitted to the parties designated under subsection (h) in an electronic format under IC 5-14-6.**

**Sec. 5. This chapter expires December 31, 2022.**

**SECTION 3. An emergency is declared for this act.**



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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