



February 14, 2020

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# ENGROSSED SENATE BILL No. 273

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DIGEST OF SB 273 (Updated February 12, 2020 6:19 pm - DI 77)

**Citations Affected:** IC 12-7; IC 12-21.

**Synopsis:** Indiana behavioral health commission. Establishes the Indiana behavioral health commission (commission). Specifies the membership of the commission. Requires the commission to prepare: (1) an interim report not later than October 1, 2020; and (2) a final report not later than October 1, 2022. Specifies the issues and topics to be discussed in the commission reports. Requires commission reports to be issued to the following parties: (1) The governor. (2) The legislative council. (3) Any other party specified by the commission chairperson. Requires commission reports to be issued in an electronic format. Abolishes the commission on December 31, 2022. Defines certain terms. Makes conforming amendments.

**Effective:** Upon passage.

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**Crider, Ruckelshaus, Becker,  
Grooms, Randolph Lonnie M, Crane,  
Ford J.D.**

(HOUSE SPONSORS — KIRCHHOFFER, CHERRY)

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January 9, 2020, read first time and referred to Committee on Health and Provider Services.

January 30, 2020, amended, reported favorably — Do Pass.

February 3, 2020, read second time, ordered engrossed. Engrossed.

February 4, 2020, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Public Health.

February 13, 2020, amended, reported — Do Pass.

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ES 273—LS 7053/DI 123





February 14, 2020

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.

## ENGROSSED SENATE BILL No. 273

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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 12-7-2-34, AS AMENDED BY P.L.116-2019,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 34. "Commission" means the following:  
4 (1) For purposes of IC 12-10-2, the meaning set forth in  
5 IC 12-10-2-1.  
6 (2) For purposes of IC 12-12-2, the meaning set forth in  
7 IC 12-12-2-1.  
8 (3) For purposes of IC 12-13-14, the meaning set forth in  
9 IC 12-13-14-1.  
10 (4) For purposes of IC 12-15-30.5, the meaning set forth in  
11 IC 12-15-30.5-2.  
12 **(5) For purposes of IC 12-21-7, the meaning forth in**  
13 **IC 12-21-7-1.**  
14 ~~(5)~~ **(6)** For purposes of IC 12-28-1, the meaning set forth in  
15 IC 12-28-1-3.  
16 SECTION 2. IC 12-21-7 IS ADDED TO THE INDIANA CODE AS  
17 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON

ES 273—LS 7053/DI 123



1 PASSAGE]:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **(i) Adult services.**

38 **(ii) Youth services.**

39 **(iii) Addictions services.**

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

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

42 **(14) A representative from a mental health advocacy**



- 1           **association with statewide jurisdiction.**
- 2           **(15) A parent of a student who:**
- 3               **(A) is currently using; or**
- 4               **(B) has used;**
- 5           **school based mental health services.**
- 6           **(16) An adult who has received services from or through a**
- 7           **local community mental health services provider.**
- 8           **(17) The mayor of an Indiana city with an existing mental**
- 9           **health initiative.**
- 10          **(18) A representative from a local public safety agency.**
- 11          **(19) A representative from a state operated mental health**
- 12          **facility.**
- 13          **(20) A licensed psychiatrist.**
- 14          **(21) A psychologist licensed under IC 25-33.**
- 15          **(22) An addictionologist.**
- 16          **(23) A representative affiliated with an emergency medical**
- 17          **services provider.**
- 18          **(24) One (1) licensed clinical social worker.**
- 19          **(25) One (1) representative of a mental health provider**
- 20          **association with statewide jurisdiction.**
- 21          **(b) The governor shall appoint the commission members**
- 22          **described in subsection (a)(10) through (a)(25). The governor shall**
- 23          **appoint one (1) member of the commission to serve as chairperson**
- 24          **of the commission.**
- 25          **(c) A:**
- 26               **(1) chairperson shall serve at the pleasure of the governor;**
- 27               **and**
- 28               **(2) commission member shall serve at the pleasure of the**
- 29               **chairperson.**
- 30          **(d) Each member of the commission who is not a state employee**
- 31          **is not entitled to the minimum salary per diem provided under**
- 32          **IC 4-10-11-2.1(b). The member is, however, entitled to**
- 33          **reimbursement for traveling expenses as provided under**
- 34          **IC 4-13-1-4 and other expenses actually incurred in connection**
- 35          **with the member's duties, as provided in the state policies and**
- 36          **procedures established by the state department of administration**
- 37          **and approved by the budget agency.**
- 38          **(e) Each member of the commission who is a state employee but**
- 39          **who is not a member of the general assembly is entitled to**
- 40          **reimbursement for traveling expenses as provided under**
- 41          **IC 4-13-1-4 and other expenses actually incurred in connection**
- 42          **with the member's duties, as provided in the state policies and**



1 procedures established by the Indiana department of  
2 administration and approved by the budget agency.

3 (f) Each member of the commission who is a member of the  
4 general assembly is entitled to receive the same per diem, mileage,  
5 and travel allowances paid to legislative members of interim study  
6 committees established by the legislative council. Per diem,  
7 mileage, and travel allowances paid under this subsection shall be  
8 paid from appropriations made to the division.

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

10 (1) An interim report due not later than October 1, 2020.

11 (2) A final report due not later than October 1, 2022.

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

14 (1) Assessment and inventory.

15 (2) Funding and data.

16 (3) Youth and families.

17 (4) System design and access.

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

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

23 (A) Suicide.

24 (B) Mental health conditions and disorders.

25 (C) Substance use disorders.

26 (D) Childhood trauma.

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

31 (A) Mental health systems.

32 (B) Access to mental health systems.

33 (C) Mental health providers.

34 (D) Funding for mental health systems and providers.

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

39 (A) Suicide prevention.

40 (B) Early intervention for mental health related issues.

41 (C) Treatment for substance use disorder.

42 (4) Conduct an inventory and assessment of Indiana's



- 1 integrated, school based mental health service programs and  
 2 related evidence based preventative programs.
- 3 (d) The respective funding and data portions of the reports  
 4 described in subsection (a) must do the following:
- 5 (1) Review mental health and substance abuse funding  
 6 sources. A review conducted under this subdivision must  
 7 include a review of the following:
- 8 (A) Medicaid.  
 9 (B) Recovery works.  
 10 (C) Local tax revenue.  
 11 (D) Block grants.
- 12 (2) Make recommendations concerning funding priorities and  
 13 funding levels for mental health programs and services in  
 14 Indiana.
- 15 (3) Establish the cost of untreated mental illness.
- 16 (4) Evaluate the efficacy of the Data Assessment Registry  
 17 Mental Health and Addiction (DARMHA) system and make  
 18 recommendations for improving Indiana's current assessment  
 19 and data system.
- 20 (e) The respective youth and families portions of the reports  
 21 described in subsection (a) must do the following:
- 22 (1) Assess the impact of mental health and substance abuse  
 23 issues on schools and the Indiana workforce. An assessment  
 24 performed under this subdivision must include an evaluation  
 25 of programs designed to improve transferrable skills.
- 26 (2) Prepare implementation recommendations from the 2018  
 27 Indiana School Safety Recommendations report that pertain  
 28 to mental health and behavioral initiatives. A  
 29 recommendation issued under this subdivision must provide  
 30 additional steps designed to increase access to evidence based  
 31 preventative programs for all students and mental health and  
 32 behavioral health services for students in kindergarten  
 33 through grade 12 students in need.
- 34 (f) The respective system design and access portions of the  
 35 reports described in subsection (a) must do the following:
- 36 (1) Recommend ways to improve access to a continuum of  
 37 behavioral health services across Indiana. A recommendation  
 38 issued under this subdivision must include a review of 440  
 39 IAC 4.1.
- 40 (2) Recommend options to develop, improve, and implement  
 41 crisis response protocols for behavioral health emergencies.
- 42 (3) Review the implementation of:



- 1                   (A) whole health model; and  
 2                   (B) integrated care;  
 3           paradigms.  
 4           (4) Assess value based system design with safety net  
 5           characteristics.  
 6           (5) Develop recommendations and strategies designed to  
 7           encourage collaboration, transparency, and innovation in  
 8           mental health care delivery.  
 9           (6) Assess how age, race, and geographic location affect access  
 10          to behavioral and mental health treatment.  
 11          (g) The commission may, in addition to the topics described in  
 12          subsections (c) through (f), discuss any other topic or issue related  
 13          to the overall improvement of the behavioral and mental health of  
 14          Indiana residents.  
 15          (h) The reports described under subsection (a) shall be issued to  
 16          the following parties:  
 17                  (1) The governor.  
 18                  (2) The legislative council.  
 19                  (3) Any other party specified by the commission chairperson.  
 20          (i) A commission report prepared under this section must be, as  
 21          appropriate, submitted to the parties designated under subsection  
 22          (h) in an electronic format under IC 5-14-6.  
 23          Sec. 5. This chapter expires December 31, 2022.  
 24          SECTION 3. An emergency is declared for this act.





## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 273, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 10, delete "." and insert **"who shall serve as a nonvoting member."**

Page 2, line 12, delete "." and insert **"who shall serve as a nonvoting member."**

Page 2, line 14, delete "." and insert **"who shall serve as a nonvoting member."**

Page 2, line 16, delete "." and insert **"who shall serve as a nonvoting member."**

Page 2, delete lines 28 through 32, begin a new line block indented and insert:

**"(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."**

Page 3, delete lines 11 through 17, begin a new line block indented and insert:

**"(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."**

and when so amended that said bill do pass.



(Reference is to SB 273 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 273, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 35, after "national" insert "**evidence based preventative and**".

Page 4, line 42, after "service" insert "**programs and related evidence based preventative**".

Page 5, line 28, after "access to" insert "**evidence based preventative programs for all students and**".

and when so amended that said bill do pass.

(Reference is to SB 273 as printed January 31, 2020.)

KIRCHHOFER

Committee Vote: yeas 12, nays 0.

