

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.

HOUSE ENROLLED ACT No. 1127

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 12-15-1-20.4, AS AMENDED BY P.L.152-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20.4. (a) If a Medicaid recipient is:

(1) adjudicated to be a delinquent child and placed in:

(A) a community based correctional facility for children;

(B) a juvenile detention facility; or

(C) a secure facility, not including a facility licensed as a ~~childcare~~ **child caring** institution under IC 31-27; or

(2) incarcerated in a prison or jail; and

ineligible to participate in the Medicaid program during the placement described in subdivision (1) or (2) because of federal Medicaid law, the division of family resources, upon notice that a child has been adjudicated to be a delinquent child and placed in a facility described in subdivision (1) or upon notice that a person is incarcerated in a prison or jail and placed in a facility described in subdivision (2), shall suspend the person's participation in the Medicaid program. ~~for up to two (2) years before terminating the person's eligibility.~~

(b) If the division of family resources receives:

(1) a dispositional decree under IC 31-37-19-28; or

(2) a modified disposition order under IC 31-37-22-9;

and the department of correction gives the division at least forty (40) days notice that a person will be released from a facility described in

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subsection (a)(1)(C) or (a)(2), the division of family resources shall take action necessary to ensure that a person described in subsection (a) is eligible to participate in the Medicaid program upon the person's release, if the person is eligible to participate.

SECTION 2. IC 12-23-19-1, AS AMENDED BY P.L.65-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) As used in this chapter, "mental health and addiction forensic treatment services" means evidence based treatment and recovery wraparound support services that may be provided to individuals in the criminal justice system who are charged with a felony offense, or have a prior felony conviction, and have been placed or are eligible to be placed in a pretrial services program, community corrections program, prosecuting attorney's diversion program, or jail as an alternative to commitment to the department of correction. The term includes the following:

- (1) Mental health and substance abuse treatment, including:
 - (A) addiction counseling;
 - (B) inpatient detoxification;
 - (C) case management;
 - (D) daily living skills; and
 - (E) medication assisted treatment, including a federal Food and Drug Administration approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence.
- (2) Vocational services.
- (3) Housing assistance.
- (4) Community support services.
- (5) Care coordination.
- (6) Transportation assistance.
- (7) Mental health and substance abuse assessments.

(8) Competency restoration services.

(b) The term applies to services provided under a pilot program under section 2 of this chapter to individuals who are charged with a misdemeanor.

SECTION 3. IC 12-23-19-2, AS AMENDED BY P.L.65-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) An individual is eligible for mental health and addiction forensic treatment services if:

- (1) subject to subsection (d), the individual:
 - (A) is a member of a household with an annual income that does not exceed two hundred percent (200%) of the federal income poverty level;
 - (B) is a resident of Indiana;



(C) is:

- (i) at least eighteen (18) years of age; or
- (ii) subject to the approval of the Indiana commission to combat drug abuse, less than eighteen (18) years of age and the individual is a defendant whose case is either waived from juvenile court to adult court or directly filed in adult court; and

(D) has entered the criminal justice system as a felon or with a prior felony conviction **or is ordered to be committed for competency restoration services as described in IC 35-36-3-1(b);** and

(2) subject to subsection (b), reimbursement for the service is not available to the individual through any of the following:

- (A) A policy of accident and sickness insurance (IC 27-8-5).
- (B) A health maintenance organization contract (IC 27-13).
- (C) The Medicaid program (IC 12-15), excluding the Medicaid rehabilitation program and the Behavioral and Primary Health Coordination Program under Section 1915(i) of the Social Security Act.
- (D) The federal Medicare program or any other federal assistance program.

(b) If an individual is not entitled to reimbursement from the sources described in subsection (a)(2) of the full amount of the cost of the mental health and addiction forensic treatment services, grants and vouchers under this chapter may be used to provide those services to the extent that the costs of those services exceed the reimbursement the individual is entitled to receive from the sources described in subsection (a)(2), excluding any copayment or deductible that the individual is required to pay.

(c) The division shall determine the extent to which an individual who is provided mental health and addiction forensic treatment services under this chapter is entitled to receive reimbursement from the sources described in subsection (a)(2).

(d) Notwithstanding subsection (a)(1)(D), subject to available funding and on the recommendation of the justice reinvestment advisory council (established by IC 33-38-9.5-2), the division may operate a pilot program applying the eligibility criteria in this section to individuals who are charged with a misdemeanor. If the division operates a pilot program under this subsection, the division shall issue annual reports to the justice reinvestment advisory council.

SECTION 4. IC 12-23-19-4, AS AMENDED BY P.L.114-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2021]: Sec. 4. (a) As used in this section, "account" refers to the mental health and addiction forensic treatment services account established by subsection (b).

(b) The mental health and addiction forensic treatment services account is established for the purpose of providing grants and vouchers and for leveraging federal funds for the provision of mental health and addiction forensic treatment services. The account shall be administered by the division. The division may use money in the account only to fund grants and vouchers under this chapter that are provided to the following:

- (1) Community corrections programs.
- (2) Court administered programs.
- (3) Probation and diversion programs.
- (4) Community mental health centers.
- (5) Certified or licensed mental health or addiction providers.
- (6) Recovery community organizations certified by the division or its designee.**
- (7) Recovery residences certified by the division or its designee.**

(c) The account consists of:

- (1) appropriations made by the general assembly;
- (2) grants; and
- (3) gifts and bequests.

(d) The expenses of administering the account shall be paid from money in the account.

(e) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(f) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(g) Money deposited in the account may be used as the required state match under the Medicaid program.

SECTION 5. IC 12-23-19-7, AS AMENDED BY P.L.243-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) The division shall survey individuals receiving mental health and addiction forensic treatment services under this chapter. The division shall survey and develop demographic research on such an individual one (1) year after the individual begins receiving the services. The survey must request information concerning:

- (1) the employment status of the individual since the individual



began receiving the services; ~~and~~

(2) whether the individual has been arrested, convicted of a crime, alleged to have violated probation, or placed in a community corrections program as an alternative to commitment to the department of correction since the individual began receiving the services; **and**

(3) the racial and ethnic demographics of the individuals referred.

(b) The division shall report to the justice reinvestment advisory council established by IC 33-38-9.5-2 any findings from the survey under subsection (a) concerning providing mental health and addiction forensic treatment services to individuals charged with a misdemeanor offense.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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