



2011 Legislative Update

**Indiana Council of Community Mental Health Centers
2011 Winter Quarterly Meeting**

JW Marriott – Downtown Indianapolis

February 17th, 2011

Major Issues of 2010 Session

Overview of Legislation

A total of six hundred and eight (608) bills filed in the House.

A total of six hundred and one (601) bills filed in Senate.

Bills must move out of committee by end of week.

February 23rd is third reading deadline for house of origin.

Major Legislative Issues:

HB 1001 – State Budget

HJR 6 – Constitutional ban on gay marriage

SB 590 – Immigration

HB 1357 – Local government reform

HB 1018 – Smoking Ban

Bills Impacting Mental Health & Healthcare

SB 04 & HB 1019 – Suicide Prevention and Training

- Requires DMHA and DOE to work collaboratively to develop a suicide prevention training module for teachers.
- In order to get a teaching license, an individual must pass the suicide training after June, 2013.
- Training can be completed on-line.
- Requires consultation with suicide prevention programs such as the Jason Foundation and IUPUI – Fort Wayne.

Bills Impacting Mental Health & Healthcare

SB 88 – Various Mental Health Issues

- Revises continuum of care process to allow DMHA Director to promulgate rules.
- Establishes list of “recovery oriented” services that DMHA may consider in the promulgation of rules.
- Removes language related to “managed care provider” and references to “residential services”.
- Removes certain DMHA reporting requirements.
- Eliminates the 1/3 rule related to addiction provider funding.
- ICCMHC will be working collaboratively with DMHA on continuum rule development process.

Bills Impacting Mental Health & Healthcare

- SB 174 – Defines Accountable Care Organizations (ACOs)

- Begins the process of acknowledging ACOs by establishing as a legally defined entity throughout the Indiana Code.
- Under proposed language, defines ACOs as a group of health care providers:
 - (1) that is associated with a defined population of patients;
 - (2) that is accountable for the quality and cost of care that is delivered to the population described in subdivision through which the health care providers share in savings created by:
 - (A) improving the quality; and
 - (B) reducing growth of the cost of care delivered to the population described in subdivision (1).

Bills Impacting Mental Health & Healthcare

□ SB 218 – Developmental Disabilities

- The “Christmas tree” bill for DD issues.
- Includes a provision that would eliminate waiver slot priority under 1915(c) waiver (including S0F placements).
- Repeals the community residential council.

□ SB 316 – Freezing of staffing levels at Logansport State Hospital

- Would require DMHA to freeze staffing levels from April 2, 2011 forward.
- Bill was not heard in committee, however attempts may be made to amend during the legislative process.

Bills Impacting Mental Health & Healthcare

□ SB 460 – Quality Assessment Moratorium

- This bill addresses the issue of Medicaid Overpayments.
- Following controversial language related to the number of authorized nursing home beds, the bill was recommitted to Senate Appropriations.
- Allows for 300 days for a repayment from a provider related to a Medicaid audit overpayment determination (following amendment per ICCMHC input).
- OMPP presented information on new “provider centric” approach to audits, whereby OMPP would work with a provider prior to a dollar amount being established when audit issue is uncovered.
- The Council plans to work with Senator Miller if the bill moves through the Senate to “formalize” the “informal” process OMPP has agreed to pursue on an informal basis.

Bills Impacting Mental Health & Healthcare

▣ SB 461 – Healthcare Reform Matters

- Allows Indiana to move towards Medicaid eligibility based on SSI determination.
- Issues exist about impact on FMAP related to change due to maintenance of effort requirements under ACA.
- Modifies aspects of the Healthy Indiana Plan (HIP) required to be compliant with the ACA for State Health Exchange purposes.
- Authorizes changes in Medicaid eligibility based on requirements for “newly eligibles.”

Bills Impacting Mental Health & Healthcare

▣ HB 1001 – State Budget

- Authorizes \$133,353,258 in funding related to community mental health services each year of biennium.
- Amount represents a 1% increase over previous biennial budget.
- Maintains \$7 million from Master Tobacco settlement funds that expire in two years.
- Removes “open access” related to psychotropic drugs
 - This is a major legislative push of MHA – Indiana

Bills Impacting Mental Health & Healthcare

□ HB 1018 – Smoking Ban in Public Places

- Prohibits smoking in public places and confined employment locations.
- Bill has been modified to allow exemptions for bars, gaming, fraternal clubs.

□ HB 1020 – Commission on Mental Health

- Changes the name to Commission on Mental Illness and Addiction.
- Extends the commission until June, 2016.

Bills Impacting Mental Health & Healthcare

- HB 1030 – Ephedrine and Pseudoephedrine
 - Makes materials, compounds, mixtures, or preparations that contain ephedrine or pseudoephedrine schedule III controlled substances subject to being dispensed only by a prescription.
- HB 1047 – Study Audit Requirements for Service Providers
 - Requires the division of disability and rehabilitative services of the office of the secretary of family and social services to conduct a study on the number and types of audits and surveys required of entities providing services for which the division pays and to report back to the developmental disabilities commission by September 1, 2011.

Bills Impacting Mental Health & Healthcare

□ HB 1153 - Problem Solving Courts

- Expands the types of persons that may participate in a court that has established alcohol and drug service programs.
- Establishes procedures to be used by a problem solving court to terminate an individual's participation in a problem solving court program.
- Provides that the parent or guardian of a child: (1) who is adjudicated a delinquent child or in a program of informal adjustment approved by a juvenile court; and (2) who is accepted into a problem solving court program; is financially responsible for the problem solving court service fees and chemical testing expenses assessed against the child by the problem solving court.

Bills Impacting Mental Health & Healthcare

□ HB 1484 – Property Taxes

- Bill was proposed to be amended related to reducing community mental health centers county funding by amount of individual county circuit breaker percentage.
- Representative Thompson withdrew amendment when it appeared he did not have the votes needed for passage.
- Issue still exists in that County Association will likely continue to push as it relates to increased funding under statewide average growth quotient (SAGQ).
- Council may need to explore option that limits the financial impact, but also addresses guaranteed growth under SAGQ as a compromise.
- Possible idea is to only apply the circuit breaker percentage to the actual growth amount derived under SAGQ.
- County Association has proposed a “base amount”, based on FY11 funding and would only be increased if maximum levy is increased in county.
- Issue warrants further discussion at ICCMHC business meeting.

QUESTIONS?

