

DOC - Community Corrections	HB 464 - DMHA	HB 1006 - IJC
<p>IC 11-12-3.8 Mental Health and Addiction Forensic Treatment Services (MHAFTS)</p> <p>Sec. 1. As used in this chapter, "mental health and addiction forensic treatment services" (MHAFTS) means evidence based treatment and recovery wraparound support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. The term includes:</p> <ol style="list-style-type: none"> (1) mental health and substance abuse treatment; (2) vocational services; (3) housing assistance; (4) community support services; (5) care coordination; and (6) transportation assistance. <p>IC 11-12-3.8-1.5 Substance Abuse Treatment For the purposes of this chapter, A substance abuse treatment@ may include:</p> <ol style="list-style-type: none"> (1) addiction counseling; (2) inpatient detoxification; and (3) medication assisted treatment, including a federal FDA approved long acting, nonaddictive medication for the treatment of opioid or alcohol dependence. <p>[added by HB 464]</p> <p>IC 11-12-3.8-2 Eligibility</p> <p>Sec. 2. An individual is eligible for MHAFTS if the individual:</p> <ol style="list-style-type: none"> (1) is a member of a household with an annual income that does not exceed 200% of the federal income poverty level; (2) is a resident of Indiana; (3) is at least 18 years of age; and (4) has entered the CJS as a felon or with a prior felony conviction. <p>IC 11-12-3.8-3 Certification</p>	<p>IC 12-23-19 Mental Health and Addiction Forensic Treatment Services (MHAFTS) Grants.</p> <p>Sec. 1. "Mental health and addiction forensic treatment services" (MHAFTS) means evidence based treatment and recovery wrap around support services provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction or who have been placed or are eligible to be placed in a CCP as an alternative to commitment to the DOC. The term includes:</p> <ol style="list-style-type: none"> (1) mental health and substance abuse treatment, including: <ol style="list-style-type: none"> (A) addiction counseling; (B) inpatient detoxification; and (C) medication assisted treatment, including a federal FDA 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; and (6) transportation assistance. <p>Sec. 2. (a) An individual is eligible for MHAFTS if:</p> <ol style="list-style-type: none"> (1) the individual: <ol style="list-style-type: none"> (A) is a member of a household with an annual income that does not exceed 200% of the federal income poverty level; (B) is a resident of Indiana; (C) is at least 18 years of age; and (D) has entered the CJS as a felon or with a prior felony conviction; and (2) subject to subsection (b), reimbursement for the service is not available to the individual through any of the following: <ol style="list-style-type: none"> (A) A policy of accident and sickness insurance 	<p>IC 33-38-9.5 Justice Reinvestment Community Grants Program (JRCGP)</p> <p>Sec. 1. The following definitions apply throughout this chapter:</p> <ol style="list-style-type: none"> (1) "Advisory council" means the justice reinvestment advisory council (JRAC) established by section 2 of this chapter. (2) "Board" means the board of directors of the judicial conference of Indiana, established by IC 33-38-9-3. (3) "Indiana judicial center" means the Indiana judicial center (IJC) established under IC 33-38-9-4(b). <p>Sec. 2.</p> <p>(a) The JRAC is established. The JRAC consists of the following members:</p> <ol style="list-style-type: none"> (1) The exec. dir. of Ind. public defender council (IPDC) or the exec dir's designee. (2) The exec. dir. of Ind. prosecuting attorneys council (IPAC) or exec dir's designee. (3) The director of the division of mental health and addiction (DMHA) or the director's designee. (4) The president of the Indiana sheriff's association or the president's designee. <p>(b) The exec dir of IPDC serves as chairperson of JRAC in even-numbered years. The exec dir of IPAC serves as chairperson of JRAC in odd-numbered years.</p> <p>(c) JRAC shall make a recommendation to IJC with respect to an application for a justice reinvestment community grant (JRACG).</p> <p>(d) IPDC shall staff the JRAC in even-numbered years. IPAC staff the JRAC in odd-numbered years.</p> <p>(e) The expenses of the JRAC shall be paid by IJC from funds appropriated to IJC for the administrative costs of the JRCGP.</p> <p>(f) . . .</p> <p>(g) The affirmative votes of a majority of the voting</p>

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<p>Sec. 3. MHAFTS may be administered or coordinated only by a provider certified by the DMHA.</p> <p>IC 11-12-3.8-4 "Account"</p> <p>Sec. 4. (a) As used in this section, "account" refers to the MHAFTS account established in subsection (b).</p> <p>(b) The MHAFTS account is established for the purpose of providing grants or vouchers for the provision of MHAFTS. The account shall be administered by the DMHA. Money in the account shall be used to fund grants and vouchers under this chapter.</p> <p>(c) The account consists of:</p> <p>—(1) appropriations made by the general assembly;</p> <p>—(2) grants; and</p> <p>—(3) gifts and bequests.</p> <p>(d) The expenses of administering the account shall be paid from money in the account.</p> <p>(e) The treasurer of state shall invest</p> <p>(f) Money in the account at the end of a state fiscal year does not revert to the state general fund. [deleted by HB 464]</p> <p>IC 11-12-3.8-5 Award of financial assistance</p> <p>(a) The DOC commissioner may award financial assistance to a community corrections program based on the proposed implementation of evidence based practices or the proposed coordination of services with other community supervision agencies operating in the same county.</p> <p><i>(b) Before providing financial assistance under this section, the commissioner shall consult with the judicial conference of Indiana and the division of mental health and addiction:</i></p> <p><i>(1) for the purpose of more effectively addressing the need for:</i></p> <p><i>(A) substance abuse treatment;</i></p> <p><i>(B) mental health services; and</i></p> <p><i>(C) other services for offenders placed on community</i></p>	<p>(IC27-8-5).</p> <p>(B) A health maintenance organization contract (IC27-13).</p> <p>(C) The Medicaid program (IC 12-15).</p> <p>(D) The federal Medicare program or any other federal assistance program.</p> <p>(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 MHFTS, grants and vouchers 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.</p> <p>(c) The division shall determine the extent to which an individual who is provided MHFTS is entitled to receive reimbursement from the sources described in subsection (a)(2).</p> <p>Sec. 3. MHFTS may be administered or coordinated only by a provider certified by DMHA.</p> <p>Sec. 4.(a) "Account" refers to the MHFTS account established by subsection (b).</p> <p>(b) The MHFTS account is established for the purpose of providing grants or vouchers for the provision of MHFTS. 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:</p> <p>(1) Community corrections programs.</p> <p>(2) Court administered programs.</p> <p>(3) Probation programs.</p> <p>(4) Community mental health centers.</p> <p>(5) Certified mental health or addiction providers.</p> <p>(c) The account consists of:</p> <p>(1) appropriations made by the general assembly;</p>	<p>members appointed to JRAC are required for the JRAC to take action on any measure.</p> <p>(h) This section expires July 1, 2017.</p> <p>Sec. 3. (a) IJC shall develop and administer the JRCGP. (b) The goal of the JRCGP is to develop incarceration alternatives at the county and community level through grants by promoting the development of:</p> <p>(1) probation services;</p> <p>(2) problem solving courts;</p> <p>(3) mental health treatment;</p> <p>(4) substance abuse treatment;</p> <p>(5) forensic diversion programs;</p> <p>(6) community corrections; and</p> <p>(7) other alternatives to incarceration.</p> <p>(c) IJC shall accept applications from courts and CC programs for grants described in subsection (b), if the application is approved by a majority of the circuit and superior courts in the county (if the applicant is a court), or by the CC advisory board in the county (if the applicant is a CC program). IJC shall transmit a copy of all grant applications to the JRAC upon receipt. If the JRAC makes a recommendation concerning the awarding of a grant, the IJC shall consider the recommendation in awarding a grant. The IJC shall award grants:</p> <p>(1) to assist with the establishment and maintenance of CC programs in each county by 2020, including CC programs serving multiple counties;</p> <p>(2) to assist communities and counties to develop and maintain alternatives to incarceration that are needed in the applicable community or county; and</p> <p>(3) to reduce recidivism.</p> <p>However, the IJC may not award a grant for the construction, expansion, renovation, or maintenance of a facility, building, or structure.</p> <p>Sec. 4. (a) The board shall adopt rules consistent with this chapter, prescribing standards regarding:</p>

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<p><i>supervision; and</i> <i>(2) to avoid duplication of services.</i> (c) MHAFTS may be provided by grants under this section. Evidence based treatment and recovery wraparound support services may be provided to individuals who have entered the criminal justice system as a felon or with a prior felony conviction. Services provided under this section may include: (1) mental health and substance abuse treatment; (2) vocational services; (3) housing assistance; (4) community support services; (5) care coordination; and (6) transportation assistance. (d) MHAFTS provided under this section shall be administered or coordinated by a provider certified by the DMHA to provide mental health or substance abuse treatment. (e) The DOC commissioner may award financial assistance under this chapter to the Marion County recidivism reduction pilot project established under section 6 of this chapter. This subsection expires June 30, 2017.</p> <p>IC 11-12-3.8-6 Marion superior court recidivism pilot project.</p> <p>-----</p> <p>IC 11-12-1-1 "Community corrections program" (CCP) means a community based program that provides preventive services, services to offenders, persons charged with a crime or delinquency, diverted or sentenced to imprisonment, or services to victims of crime or delinquency, and is operated under a community corrections plan of a county and funded at least in part by the state subsidy provided in IC 11-12-2.</p>	<p>(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.</p> <p>Sec. 5. In the case of an individual who is provided MHFTS under this chapter, the division is subrogated to the rights of the individual under any policy, contract, or program described in section 2(a)(2) of this chapter with respect to reimbursement under the policy, contract, or program for mental health forensic treatment services.</p> <p>Sec. 6. The division shall survey individuals receiving MHFTS under this chapter. The division shall survey 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.</p> <p>Sec. 7. During the year after an individual begins receiving MHFTS under this chapter, the division shall work jointly with the department of workforce development to coordinate employment and training</p>	<p>(1) the development of the grants program under this chapter; (2) information required in an application for a grant under this chapter; (3) audits and monitoring of an entity that receives a grant under this chapter; and (4) reports required of an entity that receives a grant under this chapter. (b) At least 75% of funding awarded under this chapter must be used to provide evidence-based treatment for mental health and addiction, directly to an individual. (c) As used in this section, "treatment for addiction" includes: (1) addiction counseling; (2) inpatient detoxification; and (3) medication assisted treatment, including USFDA approved long acting, nonaddictive medications for treatment of opioid and alcohol dependence. (d) Mental health and addiction services funded under this chapter must be administered or coordinated by a provider certified by the DMHA to provide mental health or substance abuse treatment. A certified provider may contract with other licensed professionals to provide additional services funded under this chapter. (e) Cognitive behavioral interventions funded under this chapter must: (1) be designed to reduce recidivism; and (2) include cognitive restructuring, social skills, and problem solving.</p> <p>Sec. 5. (a) The IJC shall monitor funding provided by the DOC, ICJI, and other state agencies that fund programs that promote alternatives to incarceration, including: (1) probation services;(2) problem solving courts; (3) mental health treatment; (4) substance abuse treatment; (5) forensic diversion programs;</p>

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<p>IC 11-12-1-2 County may coordinate or operate a CCP for any of the following:</p> <ul style="list-style-type: none"> (1) The prevention of crime or delinquency. (2) Persons sentenced to imprisonment in a county or local penal facility other than a state owned or operated facility. (3) Committed offenders. (4) Persons ordered to participate in a CCP as a condition of probation. <p>IC 11-12-1-2.5 Community corrections programs; coordination of other programs</p> <ul style="list-style-type: none"> (a) CCP shall use evidence based services, programs, and practices that reduce the risk for recidivism among persons who participate in the CCPs. (b) CC Bd may also coordinate or operate: <ul style="list-style-type: none"> (1) educational; (2) mental health; (3) drug or alcohol abuse counseling; and (4) housing programs. <p>IC 11-12-2 State Grants to Counties for Community Corrections and Charges to Participating Counties for Confined Offenders</p> <p>IC 11-12-2-1 Purpose and availability of grants; funding; certification of certain cost savings; transfer of funds from the department for certain programs</p> <p>Sec. 1. (a) For the purpose of encouraging counties to develop a coordinated local corrections-criminal justice system and providing effective alternatives to imprisonment at the state level, the commissioner shall, out of funds appropriated for such purposes, make grants to counties for the establishment and operation of community corrections programs. Appropriations intended for this purpose may not be used by the department for any other purpose. Money appropriated to</p>	<p>services for the individual.</p>	<ul style="list-style-type: none"> (6) community corrections; and (7) other alternatives to incarceration. <p>(b) For each program listed under subsection (a), the IJC shall annually prepare a report on its findings including:</p> <ul style="list-style-type: none"> (1) The source and amount of funding provided. (2) The use of the funding. (3) The adequacy of the funding, including a recommendation for the funding amount needed for the next 2 state fiscal years, including sources for the recommended funding levels. <p>(c) The IJC shall also prepare a report with an analysis of the JRCGP.</p> <p>The report shall contain the following:</p> <ul style="list-style-type: none"> (1) the number of applicants and the types of programs that grants were sought for; (2) descriptions of the grants that were awarded including the: <ul style="list-style-type: none"> (A) names of the entities awarded grants; (B) locations of the entities awarded grants; and (C) the amount of the grants. <p>(d) The reports described in subsections (b) and 8 shall be submitted to the executive director of LSA for distribution to the members of the interim study committee on corrections and criminal code. The report must be submitted in an electronic format under IC 5-14-6 before Sept. 1 of each year.</p> <p>(e) The Indiana judicial center shall submit annually to the budget committee a report that includes:</p> <ul style="list-style-type: none"> (1) a summary of data provided in subsections (b) and (c); (2) a summary of: <ul style="list-style-type: none"> (A) the grants awarded under this chapter; and (B) funding provided by the DOC and under agencies under section 5(a) of this chapter; (3) a summary of the standards developed under section 4 of this chapter; (4) a summary of the best practices approved by the IJC under IC 11-12-2-5; and

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<p>the DOC for the purpose of making grants under this chapter and any financial aid payments suspended under section 6 of this chapter do not revert to the state general fund at the close of any fiscal year, but remain available to the DOC for its use in making grants under this chapter.</p>		<p>(5) the balance of the funds in the JRCC account.</p>