



*"People
helping people
help
themselves"*

Michael R. Pence, Governor
State of Indiana

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Frequently Asked Questions regarding HEA 1448 and the Jennifer Act

1. What is HEA 1448?

HEA 1448 Requires education of judges, prosecutors, and public defenders on the use of diversion and other probationary programs, medication assisted treatment options, and civil commitment options in cases involving persons with addictive disorders. HEA 1448 also allows for inpatient substance abuse detoxification services to be provided under Medicaid.

2. HEA 1448 requires training on Indiana's involuntary commitment statutes; who will be doing the commitment training and when does the training begin?

The FSSA Office of General Counsel and DMHA staff will provide the trainings required by HEA 1448. Training for prosecutors regarding Indiana's involuntary commitment statutes has already been provided. DMHA will be scheduling trainings/webinars for judges and public defenders to occur during the fall. We will coordinate these trainings with the Indiana Judicial Center.

3. What is the process for using involuntary Civil Commitment to help a loved one who needs urgent treatment for a substance use disorder and/or other mental illness?

The Civil Commitment process involves the legal system. Civil Commitment is the process of obtaining a court order for the following purposes:

1. To treat persons with mental illnesses when they are unable or unwilling to seek treatment voluntarily.
2. To protect the person with mental illness and others from harm due to the illness.

Under the current Indiana statutes, a person meets the legal basis for detentions or involuntary commitment if, due to the mental illness (which may include substance abuse), the elements of "dangerousness" or "grave disability" can be proven in court by clear and convincing evidence. Civil commitment in Indiana is not a "do it yourself" matter. There are two basic challenges: (1) meeting the civil commitment criteria as determined by the court; and (2) finding a facility with a bed and a guaranteed payment source who is also willing to provide the physician's statement or accept a commitment sponsored by another provider's doctor. This is a legal process that generally involves an attorney for the petitioner, and the court will appoint an attorney for the patient. Persons who have difficulty may contact the DMHA offices at 317-232-7800.



4. **What types of detentions are allowed by Indiana statute?**

In addition to the commitments, Indiana statute provides for three types of detentions:

1. Immediate – 24 hour detention; can be utilized by a law enforcement officer for the purpose of transporting the person to a local health care or psychiatric facility
2. Emergency – 72 hour detention; can be initiated by a law enforcement officer, emergency medical personnel, family, friends, or anybody who believes the individual is either dangerous or gravely disabled; requires a petition accompanied by a physician’s statement be filed with and approved by the court to authorize a law enforcement officer to transport the person to a local health care or psychiatric facility
3. Physician/judicial hold – for a patient who previously entered treatment voluntarily and is now requesting to terminate treatment and leave the facility; allows physician to make a decision to either release the patient or utilize the 5 days allowed to submit a written report to the court to request a commitment hearing

Access more resources and an informational booklet “Planning for and Responding to a Mental Health Crisis” at: <http://www.namiindiana.org/find-help-during-a-crisis>

5. **What are options if a loved one is willing to seek treatment?**

If your loved one is willing to seek treatment voluntarily, contact a treatment provider, such as your local community mental health center or hospital, and consult with a physician or psychiatrist as a starting point. Community Mental Health Centers have the knowledge and experience to support a family in crisis as they assess the situation and strategize for solutions.

Treatment providers can be located on the FSSA website at:
<http://www.in.gov/fssa/dmha/2578.htm>

6. **How do I locate a treatment facility that provides detoxification?**

Individuals seeking treatment can call the DMHA offices at 317-232-7860 to inquire about service locations.

Treatment providers can also be located on the FSSA website at:
<http://www.in.gov/fssa/dmha/index.htm>

The Substance Abuse and Mental Health Services Administration (SAMHSA) also hosts a treatment provider locator service on their website: <http://www.samhsa.gov/>

There is a statewide consumer line that can also be utilized for locating treatment providers: 1-800-662-4357 (HELP).

7. **How do I apply for Medicaid services for a loved one who needs treatment for a substance use disorder and/or other mental illness?**

The application process for Medicaid/HIP coverage for mental health and addiction services is the same process as any other Medicaid/HIP application. In order to act on behalf of your loved one, an authorized representative form must be completed and signed by both the acting representative and the loved one for whom they are taking responsibility. Application information and forms can be found on the FSSA website at <http://www.in.gov/fssa/dfr/2999.htm>

8. How do I get prior authorization for Medication Assisted Treatment medications?

For Medicaid clients, prior authorization is not needed for non-addictive medications (Naltrexone/Vivitrol®) approved by the FDA for the treatment of opioid and alcohol dependence.

Medicaid may require prior authorization for an addictive medication (Methadone or Buprenorphine/ Suboxone®) used to treat a substance use disorder. Physicians who are Medicaid providers are aware of the prior approval process. Providers who provide Suboxone in Indiana can be found at: http://buprenorphine.samhsa.gov/bwns_locator/

9. I have heard about money for treatment from HEA 1006 funds; how will the Recovery Works program help Hoosiers?

Funding for mental health and addiction forensic treatment services will work for Hoosiers in the following ways:

- 1) Funding will increase access to services for people in the criminal justice system who have mental health and/or substance use disorders and do not have an alternate payer source (various payer systems to help with services);
- 2) Funding will cover recovery and community support services, which are not traditionally covered by traditional payer sources (generally refers to entities other than the patient that finance or reimburse the cost of health services. In most cases, this term refers to insurance carriers, other third-party payers, or health plan sponsors (employers or unions));
- 3) Funding and access to treatment will increase the focus on recovery and treatment, rather than focusing solely on punitive, legal consequences, for behaviors commonly resulting from untreated mental health and/or substance use disorders. The funds will be accessed by DMHA certified providers upon referral of an individual by the criminal justice system (court, probation, community corrections, parole, etc).