

# 2018 PRIORITY BILLS



MCCOY's Director of Public Policy and Advocacy actively and successfully lobbied for a number of bills to be passed into law during the 2018 legislative session. Activities on these bills varied in level of involvement, but included research and writing language for the bills, meeting with legislators to garner their support for the bills, testifying in front of legislative committees, educating other colleagues and professionals to gain their support for the bills, assisting colleagues in understanding bills and how to lobby for and against bills, and monitoring their progress through the legislative process.

## [HEA1191 Suspected Human Trafficking](#)

**Author:** Representative Karen Engleman

**Sponsor:** Senator Michael Crider

**Summary:** Removes the requirement that licensed health care providers (including behavioral health) must report adult patients who are suspected of being victims of human trafficking to law enforcement. Licensed providers are required to provide information about resources and services that are available to suspected victims of human trafficking.

**Rationale:** *A law passed in the 2017 session needed to be revised so that licensed medical and behavioral health practitioners would not be penalized by losing their professional licensure for not reporting a suspected adult victim of human trafficking. They explained in testimony that this process would go against recommended best practice of working with victims of human trafficking where the goal is to get the person help to get out of their trafficking situation, not be arrested and potentially prosecuted for any actions committed while being in a coercive or forced scenario by a trafficker. \*Note: professionals are still mandated to report children ages 17 and under to law enforcement or Department of Child Services if suspected to be victims of human trafficking.*

## [HB1230 School Safety](#)

**Author:** Representative Wendy McNamara

**Sponsor:** Senator Jeff Raatz

**Summary:** Requires the Indiana Department of Education (IDOE) to provide resources to schools on the prevention of bullying and cyberbullying and requires school corporations to link to the IDOE website on their school website. Schools must include prohibition of bullying with a wireless or cellular communications device in their discipline rules. Additionally, the IDOE must provide resources regarding identification and reporting of human trafficking and that staff from public and private schools must receive at least one hour of training on human trafficking every two years. Finally, the IDOE will conduct a statewide needs assessment of the how schools are or are not addressing trauma-informed practices and create curriculum for the school safety specialists that includes active shooter training. The bill also provides that charter schools and accredited nonpublic schools may comply with school safety laws and are required to develop school safety and emergency plans which are to be shared with local law enforcement and fire departments.

**Rationale:** *This bill began as one to add enhanced cyberbullying and human trafficking provisions to the current statute. Through the legislative process, the bill was amended to address further school safety measures and then became a vehicle for Governor Holcomb's request for increased funding for schools through an additional \$5 million in the Secured School Safety Fund, \$1 million for the auditing of school safety plans, and \$35 million available in low-interest loans to schools for increasing school safety. This bill DIED in the last minutes of the legislative session and is expected to be brought back in the special session requested by the Governor in mid-May.*

## [HEA1270 Criminal Law Matters](#)

**Author:** Representative Sally Siegrist

**Sponsor:** Senator Randy Head

**Summary:** Makes the following changes to the human and sexual trafficking statute:

- Reclassifies the term "human and sexual trafficking" to "human trafficking," which includes labor and sexual trafficking
- Creates separate offenses for labor and sexual trafficking
- Removes the element of force from forced labor, marriage, prostitution, and participating in sexual conduct
- Removes involuntary servitude from the human trafficking statute

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- Removes that a solicitor must know that a person is a victim of human trafficking before committing the offense
- Clarifies human sexual trafficking and child sexual trafficking under the “sex offender” and “sex or violent offender” statutes
- Clarifies definitions of “force,” “threat of force,” “coercion,” and “fraud”
- Expands the rape shield statute for victims of human trafficking
- Adds an element to the defense of prosecution under the offenses of sexual misconduct with a minor and promotion of sexual trafficking of a younger child
- Prohibits defense of prosecution that the child consented to engage in prostitution or sexual conduct or that the intended victim of the offense is a law enforcement officer
- Requires law enforcement to immediately notify the Department of Child Services when they detain a suspected victim of human trafficking under the age of 18
- Requests the legislative study of human trafficking in Indiana involving law enforcement, creation of programs, and review of the penalties for human trafficking crimes
- Requires the Commission on Improving the Status of Children to study what specific authority law enforcement has in order to take custody of or detain a child who is possibly a victim of human trafficking and who is possibly a Child in Need of Services (CHINS)

Adds an exemption for the transfer or receipt of reasonable charges and fees for adoption services provided by an attorney from a profiting from an adoption offense. Also provides a defense to the crime of maintaining a common nuisance in certain circumstances.

**Rationale:** *These changes bring Indiana in-line with other states’ laws that are recommended as best practices.*

### **HEA1356 Bullying**

**Author:** Representative Greg Porter

**Sponsor:** Senator Dennis Kruse

**Summary:** Changes the requirement of school corporations to report the number of bullying incidents on their annual performance report and specifies that the number that they continue to report on school safety reports will not count against their annual school improvement grade. Requires the Indiana Department of Education (IDOE) to:

- Send annual reminders to school corporations regarding the requirement to report incidents of bullying and that they may conduct audits to ensure compliance and accuracy of reporting
  - Audits must be reported on the IDOE website if discrepancies are found
- Conduct a statewide survey concerning improving reporting of bullying incidents to the IDOE

**Rationale:** *An investigative report done by Kara Kenney at WRTV’s Call6 found that a large number of schools were not reporting any incidents of bullying and that some schools were missing from the IDOE’s annual report. This bill aims to hold schools more accountable for reporting and to seek ways to improve the process of reporting to the IDOE.*

### **HEA1421 School Discipline**

**Author:** Representative Robert Behning

**Sponsor:** Senator Dennis Kruse

**Summary:** Requires that the Indiana Department of Education’s (IDOE) model plan for improving student behavior and discipline must reduce out-of-school removals and disproportionality in discipline practices, limit referrals to law enforcement or arrests to incidents that protect the health and safety of students and staff in the school, and include policies to address instances of bullying and cyberbullying on school property. Also requires that the IDOE collaborate with key stakeholders to assist schools in implementing their plans, including teacher professional development and other resources. Requests the study of the use of positive student discipline and restorative justice practices in schools. Finally, the bill requires the IDOE to survey school corporation’s school discipline policies to determine the extent to which positive discipline and restorative justice practices are being used.

**Rationale:** *Indiana has a high rate of usage of exclusionary or out-of-school disciplinary practices, particularly for youth of color. This bill takes steps to reduce that usage and encourage the use of positive discipline practices and restorative justice that will address the problem behaviors and help students make better behavioral decisions.*

### [SEA65 Instruction on Human Sexuality](#)

**Author:** Senator Dennis Kruse

**Sponsor:** Representative Timothy Wesco

**Summary:** Requires school corporation to make available to parents all materials used in instruction on human sexuality. Requires that parents must choose to opt their student in or out of the instruction and if, after a reminder by the school, they do not choose either option within 21 days of receiving the form, the student will participate in the instruction.

**Rationale:** *Some parents were concerned that schools were teaching inappropriate content to students and that schools were not allowing parents to review the materials ahead of the instruction to make an informed choice about if they should let their student attend the instruction. This bill will ensure that parents are notified, in advance, before their student participates in the instruction.*

### [SEA223 Health Practitioner License Renewal Surveys](#)

**Author:** Senator Randy Head

**Sponsor:** Representative Wendy McNamara

**Summary:** Requires medical and behavioral health practitioners licensed under the following boards must complete a brief survey with every license renewal that is completed online:

- Medical Licensing Board
- State Board of Nursing
- State Board of Dentistry
- Behavioral Health & Human Services Licensing Board
- State Psychology Board
- Board of Pharmacy

Questions to be asked include:

- Practitioner's specialty or field of practice
- Location or address of current practice
- Setting type of current practice
- Average hours worked weekly
- Health care services provided
- Practitioner's education background and training
- Whether practitioner delivers health care services through telemedicine

Reports will be prepared for the following entities:

- Office of Medicaid Policy and Planning
- Department of Workforce Development
- Commission on Improving the Status of Children in Indiana
- Legislative Council
- Office of the Attorney General

Also specifies notice requirements for network health care providers that make referrals via telephone to out-of-network health care providers.

**Rationale:** *Indiana does not have complete data on gaps in services for medical, substance use, and mental health. This survey would obtain the necessary information to be used for obtaining resources such as Health Professional Shortage Area funding to incentives professionals to serve in those designated areas. Gathering this information gives greater detail into the types of services provided, including the geographic location of the services, and whether telemedicine is a service provided by the practice. The required reports can then be used to create a plan for how to address the service shortage areas based on federal and state resources and funding.*

### [SEA224 Behavioral Health and Human Services Licensing](#)

**Author:** Senator Randy Head

**Sponsor:** Representative David Frizzell

**Summary:** Provides that up to 50% of supervised clinical work experience hours required after receiving a graduate degree in social work, marriage and family therapy, mental health counseling, or addiction counseling may be virtual supervision with a qualified supervisor. Reduces the number of clinical practicum, internship, or field experience in a counseling setting from 1,000 to 700 for students in a mental health counseling degree program. Reduces the number of required face to face client contact hours for a marriage and family therapist license from 500 to 400.

**Rationale:** *In certain areas, particularly rural, around the state, qualified supervisors are not easily accessible to meet with for weekly in-person supervision. This bill will allow greater flexibility in accessing supervision through virtual methods. These requirements fall in line with those in 30 other states and at least one accrediting body for counseling programs; it*

*makes it easier for persons graduating with a Master's degree in Counseling to obtain an Indiana license to practice and reduces the number of persons leaving Indiana to practice in other states that accept this accreditation.*

### **SEA225 Continuing Education Requirements**

**Author:** Senator Randy Head

**Sponsor:** Representative Cindy Kirchhofer

**Summary:** Provides that licensed medical practitioners who registers or reregisters dispense or prescribe opioids to complete two hours of continuing education on opioid prescribing and opioid abuse. All courses must be approved by the board that regulates the practitioner or offered by an approved organization. Requires Indiana Professional Licensing Agency to maintain a list of resources to complete this training.

**Rationale:** *Currently, medical practitioners are not required to participate in any training or continuing education regarding opioid abuse or prescribing practices. This bill will ensure that all practitioners are knowledgeable about best practices to reduce and prevent opioid addiction.*

### **SEA230 Suicide Prevention**

**Author:** Senator Randy Head

**Sponsor:** Representative Julie Olthoff

**Summary:** Changes language from “evidence” to “research” based training programs that are demonstrated to be effective or promising. Removes the national program registries of Suicide Prevention Resource Center (SPRC) and National Registry of Evidence-based Programs and Practices (NREPP) of the Substance Abuse and Mental Health Services Administration (SAMHSA). Replaces SPRC and NREPP with the Indiana Suicide Prevention Network Advisory Council (ISPAC) and references that they are the entity to work with the Division of Mental Health and Addiction and the Department of Education to determine what suicide prevention programs to recommend to schools and communities.

**Rationale:** *Do not want to omit programs currently being used in Indiana that are promising programs but have not yet reached “evidence-based” status. SPRC requested to be removed from our statute and NREPP no longer exists within SAMHSA. ISPAC is a state-wide entity comprised of stakeholders who work in the field of suicide prevention and intervention and have in-depth knowledge of programs and practices that are effective in addition to implementing those programs within their local communities.*

### **SB339 Controlled Substance Dispensing**

**Author:** Senator Jim Merritt

**Summary:** Requires a pharmacy to offer a locking vial for the sale of a Schedule II controlled drug (including opioids).

**Rationale:** *This bill was intended to prevent the unauthorized use of a medication by anyone other than the patient for whom it was prescribed. The bill passed out of the Senate Civil Law committee, but died on 2<sup>nd</sup> Reading in the Senate, in part due to concerns about costs passed on to consumers, pharmacies, and drug manufacturers as well as difficulties opening the vials by persons with mobility and dexterity issues.*

#### **For More Information:**

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