

## **IC 12-24-13**

### **Chapter 13. Liability for Cost of Treatment of Patients in State Institutions**

#### **IC 12-24-13-1**

##### **Accounting and bookkeeping system**

Sec. 1. Each division shall develop and implement an accounting and bookkeeping system for each state institution so that the cost of all institutional services provided to a patient can be determined.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-2**

##### **Limitation on charges**

Sec. 2. A patient, patient's parents, patient's legal guardians, or patient's other responsible relatives may be charged only for services and treatment provided.

*As added by P.L.2-1992, SEC.18.*

#### **IC 12-24-13-3**

##### **Repealed**

*(Repealed by P.L.187-2007, SEC.15.)*

#### **IC 12-24-13-4**

##### **Charge structure for institutional services and treatment; liability for payment**

Sec. 4. (a) Each state institution shall establish a charge structure for institutional services and treatment. The charge structure must be approved by the director of the division before July 1 of each year and, once approved, the charge structure must be effective for the following state fiscal year.

(b) Except as provided in section 5 of this chapter, each patient in a state institution and the responsible parties, individually or collectively, are liable for the payment of the charges for the treatment and maintenance of the patient.

*As added by P.L.2-1992, SEC.18. Amended by P.L.187-2007, SEC.10.*

#### **IC 12-24-13-5**

##### **Placement of child with disability in state institution for special education**

Sec. 5. (a) Except as provided in section 6 of this chapter, whenever placement of a child with a disability (as defined in IC 20-35-1-2) in a state institution is necessary for the provision of special education for that child, the cost of the child's education program, nonmedical care, and room and board shall be paid by the division rather than by the child's parents, guardian, or other responsible party.

(b) The child's parents, guardian, or other responsible party shall pay the cost of any transportation not required by the child's individualized education program (as defined in IC 20-18-2-9). The

school corporation in which the child has legal settlement (as determined under IC 20-26-11) shall pay the cost of transportation required by the student's individualized education program under IC 20-35-8-2. However, this section does not relieve an insurer or other third party from an otherwise valid obligation to provide or pay for the services provided to the child.

(c) The Indiana state board of education and the divisions shall jointly establish a procedure and standards for determining when placement in a state institution is necessary for the provision of special education for a child.

*As added by P.L.2-1992, SEC.18. Amended by P.L.23-1993, SEC.56; P.L.1-2005, SEC.140; P.L.146-2008, SEC.415.*

#### **IC 12-24-13-6**

##### **Children under custody or supervision of department or county office**

Sec. 6. The department of child services is responsible for the cost of treatment or maintenance of a child under the department's custody or supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

*As added by P.L.2-1992, SEC.18. Amended by P.L.4-1993, SEC.201; P.L.5-1993, SEC.214; P.L.145-2006, SEC.125; P.L.146-2008, SEC.416; P.L.131-2009, SEC.2.*

#### **IC 12-24-13-7**

##### **Insurance coverage; assignment of benefits**

Sec. 7. If a patient in a state institution has insurance coverage that covers hospitalization or medical services in psychiatric hospitals, all benefits under the insurance coverage shall be assigned to the appropriate division.

*As added by P.L.2-1992, SEC.18. Amended by P.L.187-2007, SEC.11.*

#### **IC 12-24-13-8**

##### **Repealed**

*(Repealed by P.L.187-2007, SEC.15.)*

#### **IC 12-24-13-9**

##### **Repealed**

*(Repealed by P.L.187-2007, SEC.15.)*

#### **IC 12-24-13-10**

##### **Statements of sums due as maintenance charges; issuance; payment period**

Sec. 10. The appropriate division shall issue to any party liable under this chapter for any type of psychiatric service statements of sums due as maintenance charges. The division shall require the liable party to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum charge as

determined under this chapter.

*As added by P.L.2-1992, SEC.18. Amended by P.L.187-2007, SEC.12.*

#### **IC 12-24-13-11**

##### **Estate of patient**

Sec. 11. The estate of a patient who receives care, treatment, maintenance, or any other service furnished by the division at the state's expense is liable for payment of the charges as determined under this chapter for the service. The estate is exempt from the requirements of section 10 of this chapter or any part of this chapter directly in conflict with the intent of the chapter to hold a patient's estate liable for payment.

*As added by P.L.2-1992, SEC.18. Amended by P.L.187-2007, SEC.13.*