

IC 12-25

ARTICLE 25. LICENSURE OF PRIVATE MENTAL HEALTH INSTITUTIONS

IC 12-25-1

Chapter 1. Licensure Requirement

IC 12-25-1-1

Physicians employed; facilities and accommodations

Sec. 1. A private institution for the treatment and care of individuals with psychiatric disorders, developmental disabilities, or convulsive disturbances must meet the following conditions:

(1) Employ physicians holding an unlimited license to practice medicine available for medical care that individuals may reasonably be expected to need.

(2) Have the facilities and accommodations that the individuals may reasonably be expected to need.

As added by P.L.2-1992, SEC.19. Amended by P.L.210-2015, SEC.61.

IC 12-25-1-2

Standards of treatment and care

Sec. 2. The standards of treatment and care to be maintained must be appropriate under existing knowledge of the needs of the individuals, as determined by the secretary. The secretary shall prescribe minimum standards for the private institutions and for the care and treatment provided in the private institutions as set forth in IC 12-21-2-3(5).

As added by P.L.2-1992, SEC.19. Amended by P.L.35-2016, SEC.62.

IC 12-25-1-3

License required to establish, conduct, operate, or maintain institution

Sec. 3. A person must hold a license issued by the secretary or the secretary's designee to establish, conduct, operate, or maintain a private institution under any name for the treatment and care of individuals with psychiatric disorders, developmental disabilities, convulsive disturbances, or other abnormal mental conditions.

As added by P.L.2-1992, SEC.19. Amended by P.L.35-2016, SEC.63.

IC 12-25-1-4

License application; form; showing required

Sec. 4. To obtain a license, an applicant must submit an application on a form prepared by the director showing that the applicant is of reputable and responsible character and able to comply with the following:

(1) The minimum standards for the institution.

(2) Rules adopted under IC 12-21-2-3(5).

As added by P.L.2-1992, SEC.19.

IC 12-25-1-5

License application; additional information

Sec. 5. An application must contain the following additional information:

- (1) The name of the applicant.
- (2) The type of institutions to be operated.
- (3) The location of the institution.
- (4) The name of the person to be in charge of the institution.
- (5) Any other information the director requires.

As added by P.L.2-1992, SEC.19.

IC 12-25-1-6

License issued upon application; hearing on application

Sec. 6. (a) The secretary or the secretary's designee may:

- (1) issue a license upon an application without further evidence; or
- (2) refer the license application for a hearing to determine whether a license should be granted.

(b) If the director refers the license application for a hearing under subsection (a)(2), the secretary shall:

- (1) serve as the administrative law judge; or
- (2) appoint an administrative law judge to serve as the secretary's designee.

The secretary or the secretary's designee shall conduct a hearing on the referred license application and conduct an investigation to determine whether the license should be granted.

As added by P.L.2-1992, SEC.19. Amended by P.L.35-2016, SEC.64.

IC 12-25-1-7

Finding that license should not be granted; notification of applicant; reason for finding

Sec. 7. If after a hearing, the secretary or the secretary's designee finds that a license should not be granted, the secretary or the secretary's designee shall notify the applicant, giving the reason for the finding.

As added by P.L.2-1992, SEC.19. Amended by P.L.35-2016, SEC.65.

IC 12-25-1-8

Hearing; finding of compliance; issuance of license

Sec. 8. If after a hearing, the secretary or the secretary's designee finds that an applicant complies and will in the future comply with this article and the rules adopted under IC 12-21-2-3(5), the director shall issue a license to the applicant to operate the institution.

As added by P.L.2-1992, SEC.19. Amended by P.L.35-2016, SEC.66.

IC 12-25-1-9

License; duration; assignability; premises covered; posting; renewal

Sec. 9. A license to operate an institution:

- (1) expires one (1) year after the date of issuance;
- (2) is not assignable or transferable;
- (3) shall be issued only for the premises named in the application;
- (4) shall be posted in a conspicuous place in the institution; and
- (5) is renewable on an annual basis.

As added by P.L.2-1992, SEC.19.