



April 5, 2019

ENGROSSED

HOUSE BILL No. 1548

DIGEST OF HB 1548 (Updated April 3, 2019 12:11 pm - DI 104)

Citations Affected: IC 12-15.

Synopsis: Medicaid advisory committee. Adds appointments by the Indiana Association of Health Plans and the Indiana Primary Care Association to the Medicaid advisory committee (committee). Increases the membership of the committee by providing for the president pro tempore of the senate and the speaker of the house of representatives to each appoint six members (instead of one member). Provides that three of the members appointed by the president pro tempore and three of the members appointed by the speaker shall serve on a standing fiscal subcommittee of the committee. Requires that three of the members appointed by the speaker of the house of representatives and three of the members appointed by the president pro tempore be members of the minority party. Requires the committee to create a standing fiscal subcommittee. Provides that subcommittees of the committee may convene as often as needed. Requires the committee to review, study, and make advisory recommendations concerning certain subjects before July 1, 2021.

Effective: July 1, 2019.

Kirchhofer, Shackelford

(SENATE SPONSORS — BECKER, CHARBONNEAU)

January 17, 2019, read first time and referred to Committee on Public Health.
February 14, 2019, amended, reported — Do Pass.
February 19, 2019, read second time, amended, ordered engrossed.
February 20, 2019, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

March 5, 2019, read first time and referred to Committee on Health and Provider Services.
April 4, 2019, amended, reported favorably — Do Pass.

EH 1548—LS 7426/DI 104



April 5, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1548

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-15-33-3, AS AMENDED BY P.L.114-2018,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 3. **(a)** The committee shall be appointed as
4 follows:
5 (1) One (1) member shall be appointed by the administrator of the
6 office to represent each of the following organizations:
7 (A) Indiana Council of Community Mental Health Centers.
8 (B) Indiana State Medical Association.
9 (C) Indiana State Chapter of the American Academy of
10 Pediatrics.
11 (D) Indiana Hospital Association.
12 (E) Indiana Dental Association.
13 (F) Indiana State Psychiatric Association.
14 (G) Indiana State Osteopathic Association.
15 (H) Indiana State Nurses Association.
16 (I) Indiana State Licensed Practical Nurses Association.
17 (J) Indiana State Podiatry Association.

EH 1548—LS 7426/DI 104



- 1 (K) Indiana Health Care Association.
 2 (L) Indiana Optometric Association.
 3 (M) Indiana Pharmaceutical Association.
 4 (N) Indiana Psychological Association.
 5 (O) Indiana State Chiropractic Association.
 6 (P) Indiana Ambulance Association.
 7 (Q) Indiana Association for Home Care.
 8 (R) Indiana Academy of Ophthalmology.
 9 (S) Indiana Speech and Hearing Association.
 10 (T) Indiana Academy of Physician Assistants.
 11 (U) Indiana Association of Rehabilitation Facilities.
 12 **(V) Indiana Association of Health Plans.**
 13 **(W) Indiana Primary Health Care Association.**
 14 (2) Ten (10) members shall be appointed by the governor as
 15 follows:
 16 (A) One (1) member who represents agricultural interests.
 17 (B) One (1) member who represents business and industrial
 18 interests.
 19 (C) One (1) member who represents labor interests.
 20 (D) One (1) member who represents insurance interests.
 21 (E) One (1) member who represents a statewide taxpayer
 22 association.
 23 (F) Two (2) members who are parent advocates.
 24 (G) Three (3) members who represent Indiana citizens.
 25 (3) ~~One (1) member~~ **Six (6) members** shall be appointed by the
 26 president pro tempore of the senate acting in the capacity as
 27 president pro tempore of the senate to represent the senate. **Three**
 28 **(3) of the members appointed under this subdivision shall**
 29 **serve on the standing fiscal subcommittee created under**
 30 **section 8(b) of this chapter.**
 31 (4) ~~One (1) member~~ **Six (6) members** shall be appointed by the
 32 speaker of the house of representatives to represent the house of
 33 representatives. **Three (3) of the members appointed under this**
 34 **subdivision shall serve on the standing fiscal subcommittee**
 35 **created under section 8(b) of this chapter.**
 36 **(b) Notwithstanding subsection (a)(3), after consultation with**
 37 **the minority leader of the senate, the president pro tempore of the**
 38 **senate shall appoint three (3) of the members from the minority**
 39 **party of the senate.**
 40 **(c) Notwithstanding subsection (a)(4), after consultation with**
 41 **the minority leader of the house of representatives, the speaker of**
 42 **the house shall appoint three (3) of the members from the minority**



1 **party of the house.**

2 SECTION 2. IC 12-15-33-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a)** A subcommittee
4 may be created as the committee considers necessary.

5 **(b) The committee shall create a standing fiscal subcommittee.**

6 **(c)** The chairman of each subcommittee must be a member of the
7 committee.

8 **(d) Subcommittees may convene as often as needed.**

9 SECTION 3. IC 12-15-33-9.5 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: Sec. 9.5 **(a) The committee shall**
12 **review, study, and make advisory recommendations concerning the**
13 **following subjects:**

14 **(1) Emergency department coverage and reimbursement to**
15 **providers.**

16 **(2) The reporting of Medicaid prior authorization denials by**
17 **Medicaid managed care entities, excluding pharmacies.**

18 **(3) The reporting of Medicaid denials based on:**

19 **(A) administrative and medically necessary criteria; or**

20 **(B) errors or omissions made by the managed care entity.**

21 **(4) Prompt payment to providers for claims:**

22 **(A) within thirty (30) days;**

23 **(B) within ninety (90) days;**

24 **(C) within one hundred eighty (180) days; and**

25 **(D) over three hundred sixty-five (365) days.**

26 **(5) The provider appeals process for administrative and**
27 **medically necessary Medicaid denials and the resolution of**
28 **appeals, including rates of reversal.**

29 **(6) The central credentialing portal.**

30 **(7) Policy changes to the Medicaid program with an**
31 **implementation period for providers or managed care entities**
32 **of more than thirty (30) days.**

33 **(8) The reporting of Medicaid denials due to retro-eligibility**
34 **status.**

35 **(9) Other subjects, as the committee considers necessary.**

36 **(b) This section expires July 1, 2021.**

37 SECTION 4. IC 12-15-33-10 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. **(a)** Appointed
39 members of the committee **other than members of the general**
40 **assembly** are entitled to receive travel allowance to and from regular
41 or special meetings in accordance with the amounts set by and the
42 provisions of the budget committee for state employees.



1 **(b) Each member of the committee who is a member of the**
2 **general assembly is entitled to receive the same per diem, mileage,**
3 **and travel allowances paid to legislative members of interim study**
4 **committees established by the legislative council. Per diem,**
5 **mileage, and travel allowances paid under this subsection shall be**
6 **paid from appropriations made to the legislative council or the**
7 **legislative services agency.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1548, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, after line 38, begin a new paragraph and insert:

"SECTION 6. IC 12-15-33-3, AS AMENDED BY P.L.114-2018, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) The committee shall be appointed as follows:

(1) One (1) member shall be appointed by the administrator of the office to represent each of the following organizations:

- (A) Indiana Council of Community Mental Health Centers.
- (B) Indiana State Medical Association.
- (C) Indiana State Chapter of the American Academy of Pediatrics.
- (D) Indiana Hospital Association.
- (E) Indiana Dental Association.
- (F) Indiana State Psychiatric Association.
- (G) Indiana State Osteopathic Association.
- (H) Indiana State Nurses Association.
- (I) Indiana State Licensed Practical Nurses Association.
- (J) Indiana State Podiatry Association.
- (K) Indiana Health Care Association.
- (L) Indiana Optometric Association.
- (M) Indiana Pharmaceutical Association.
- (N) Indiana Psychological Association.
- (O) Indiana State Chiropractic Association.
- (P) Indiana Ambulance Association.
- (Q) Indiana Association for Home Care.
- (R) Indiana Academy of Ophthalmology.
- (S) Indiana Speech and Hearing Association.
- (T) Indiana Academy of Physician Assistants.
- (U) Indiana Association of Rehabilitation Facilities.

(V) Indiana Association of Health Plans.

(2) Ten (10) members shall be appointed by the governor as follows:

- (A) One (1) member who represents agricultural interests.
- (B) One (1) member who represents business and industrial interests.
- (C) One (1) member who represents labor interests.



(D) One (1) member who represents insurance interests.

(E) One (1) member who represents a statewide taxpayer association.

(F) Two (2) members who are parent advocates.

(G) Three (3) members who represent Indiana citizens.

(3) ~~One (1) member~~ Six (6) members shall be appointed by the president pro tempore of the senate acting in the capacity as president pro tempore of the senate to represent the senate. **Three (3) of the members appointed under this subdivision shall serve on the standing fiscal subcommittee created under section 8(b) of this chapter.**

(4) ~~One (1) member~~ Six (6) members shall be appointed by the speaker of the house of representatives to represent the house of representatives. **Three (3) of the members appointed under this subdivision shall serve on the standing fiscal subcommittee created under section 8(b) of this chapter.**

(b) Notwithstanding subsection (a)(3), after consultation with the minority leader of the senate, the president pro tempore of the senate shall appoint three (3) of the members from the minority party of the senate.

(c) Notwithstanding subsection (a)(4), after consultation with the minority leader of the house of representatives, the speaker of the house shall appoint three (3) of the members from the minority party of the house.

SECTION 7. IC 12-15-33-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. **(a)** A subcommittee may be created as the committee considers necessary.

(b) The committee shall create a standing fiscal subcommittee.

(c) The chairman of each subcommittee must be a member of the committee.

(d) Subcommittees may convene as often as needed.

SECTION 8. IC 12-15-33-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 9.5 (a) The committee shall review, study, and make advisory recommendations concerning the following subjects:**

(1) Review emergency department coverage and reimbursement to providers.

(2) The reporting of Medicaid prior authorization denials by Medicaid managed care entities, excluding pharmacies.

(3) The reporting of Medicaid denials based on:

(A) administrative and medically necessary criteria; or



- (B) errors or omissions made by the managed care entity.
 - (4) Prompt payment to providers for claims:
 - (A) within thirty (30) days;
 - (B) within ninety (90) days;
 - (C) within one hundred eighty (180) days; and
 - (D) over three hundred sixty-five (365) days.
 - (5) The provider appeals process for administrative and medically necessary Medicaid denials and the resolution of appeals, including rates of reversal.
 - (6) The central credentialing portal.
 - (7) Policy changes to the Medicaid program with an implementation period for providers or managed care entities of more than thirty (30) days.
 - (8) The reporting of Medicaid denials due to retro-eligibility status.
 - (9) Other subjects, as the committee considers necessary.
- (b) This section expires July 1, 2021."
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1548 as introduced.)

KIRCHHOFFER

Committee Vote: yeas 13, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1548 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 38.

Page 7, between lines 25 and 26, begin a new line double block indented and insert:

"(W) Indiana Primary Health Care Association."



Page 8, line 26, delete "Review emergency" and insert "**Emergency**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1548 as printed February 15, 2019.)

KIRCHHOFER

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1548, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, after line 36, begin a new paragraph and insert:

"SECTION 4. IC 12-15-33-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. **(a)** Appointed members of the committee **other than members of the general assembly** are entitled to receive travel allowance to and from regular or special meetings in accordance with the amounts set by and the provisions of the budget committee for state employees.

(b) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1548 as reprinted February 20, 2019.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 0.

EH 1548—LS 7426/DI 104

