



February 22, 2024

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## ENGROSSED SENATE BILL No. 4

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DIGEST OF SB 4 (Updated February 21, 2024 5:50 pm - DI 125)

**Citations Affected:** IC 2-5; IC 4-12; IC 4-22; IC 12-15; IC 13-14; IC 16-21; IC 25-1.

**Synopsis:** Fiscal and administrative matters. Specifies that certain workforce related programs must be reviewed by the legislative services agency at least once rather than every five years. Requires the budget agency to biennially prepare a list of dedicated funds that have not been used in the previous two state fiscal years. Makes technical  
(Continued next page)

**Effective:** Upon passage; July 1, 2024.

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**Garten, Mishler, Holdman,  
Charbonneau, Brown L, Raatz,  
Freeman, Busch, Baldwin, Glick,  
Gaskill, Walker K, Koch, Carrasco,  
Crane, Johnson T, Bassler, Buchanan,  
Byrne, Doriot, Messmer**  
(HOUSE SPONSORS — THOMPSON, JORDAN, PIERCE K)

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January 16, 2024, read first time and referred to Committee on Appropriations.  
January 18, 2024, amended, reported favorably — Do Pass.  
January 22, 2024, read second time, amended, ordered engrossed.  
January 23, 2024, engrossed. Read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 6, 2024, read first time and referred to Committee on Ways and Means.  
February 22, 2024, amended, reported — Do Pass.

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ES 4—LS 6953/DI 92



## Digest Continued

corrections to various statutes concerning rulemaking. Requires agencies to submit a copy of the notice of the first public comment period and regulatory analysis to the small business ombudsman. Provides that the legislative notice required for rule readoptions must be submitted not later than January 1 of the year preceding the year in which the rule expires. Provides that the publisher assigns a document control number when the agency submits the legislative notice during rule re adoption instead of when the agency submits the notice of proposed re adoption. Provides that an agency may adopt interim rules to implement a reduction, a full or partial waiver, or an elimination of a fee, fine, or civil penalty included in an administrative rule. Requires the budget agency to transfer money in the phase out trust fund on or before June 30, 2024, to the Medicaid contingency and reserve account. Expires the phase out trust fund on July 1, 2024, and makes corresponding changes. Specifies certain deadlines within the statutes governing an agency's failure to enact required licensure rules.

**ES 4—LS 6953/DI 92**



February 22, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 4

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A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

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

1           SECTION 1. IC 2-5-42.4-8, AS AMENDED BY THE TECHNICAL  
2           CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS  
3           AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
4           PASSAGE]: Sec. 8. (a) The legislative services agency shall establish  
5           and maintain a system for making available to the public information  
6           about the amount and effectiveness of workforce related programs.  
7           (b) The legislative services agency shall develop and publish on the  
8           general assembly's ~~Internet web site~~ **website** a multiyear schedule that  
9           lists all workforce related programs and indicates the year when the  
10          report will be published for each workforce related program reviewed.  
11          The legislative services agency may revise the schedule as long as the  
12          legislative services agency provides for a systematic review, analysis,  
13          and evaluation of all workforce related programs and ~~that~~ each  
14          workforce related program is reviewed at least once. ~~every five (5)~~  
15          years.

ES 4—LS 6953/DI 92



1 SECTION 2. IC 4-12-1-15.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) The  
 3 Medicaid contingency and reserve account is established within the  
 4 state general fund for the purpose of providing money for timely  
 5 payment of Medicaid claims, obligations, and liabilities. Money in the  
 6 account must be used to pay Medicaid claims, obligations, and  
 7 liabilities. The account shall be administered by the budget agency.

8 (b) Expenses of administering the account shall be paid from money  
 9 in the account. The account consists of the following:

10 (1) Appropriations to the account.

11 (2) Other Medicaid appropriations transferred to the account with  
 12 the approval of the governor and the budget agency.

13 **(3) Money transferred to the account from the phase out trust  
 14 fund established by IC 12-15-44.5-7 (before its expiration).**

15 (c) The treasurer of state shall invest the money in the account not  
 16 currently needed to meet the obligations of the account in the same  
 17 manner as other public money may be invested.

18 (d) Money in the account at the end of a state fiscal year does not  
 19 revert.

20 SECTION 3. IC 4-12-1-22 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 22 UPON PASSAGE]: **Sec. 22. (a) Except as provided in subsection (b),  
 23 "dedicated fund", as used in this section, means a fund established  
 24 separate from the state general fund for:**

25 **(1) the use of a particular state agency;**

26 **(2) the deposit of a particular state revenue source; or**

27 **(3) the purposes of a particular state purpose or a particular  
 28 state program.**

29 **(b) The term does not include any of the following:**

30 **(1) A fund established for the purpose of administering a  
 31 federal program or a fund established for the deposit of  
 32 money received from the federal government.**

33 **(2) The public deposit insurance fund maintained by the  
 34 board for depositories under IC 5-13.**

35 **(3) A trust fund.**

36 **(4) A fund that is subject to a statutorily required minimum  
 37 balance.**

38 **(c) Before October 1 of each even-numbered year, the budget  
 39 agency shall prepare a list of dedicated funds from which no  
 40 expenditures were made in the previous two (2) state fiscal years.  
 41 The list must include the following information for each dedicated  
 42 fund:**



- 1           **(1) The name of the fund.**
- 2           **(2) The legal fund balance on June 30 of the previous state**
- 3           **fiscal year.**
- 4           **(3) Citation of the statute or other authority for establishing**
- 5           **the fund.**
- 6           **(d) Before October 1 of each even-numbered year, the budget**
- 7           **agency shall:**
  - 8           **(1) make any appropriate recommendations concerning the**
  - 9           **listed dedicated funds; and**
  - 10           **(2) submit the list prepared under subsection (c) and any**
  - 11           **recommendations made under subdivision (1) in an electronic**
  - 12           **format under IC 5-14-6 to the legislative council and to the**
  - 13           **budget committee.**
  - 14           **(e) If the list required by this section is not submitted by**
  - 15           **October 1 of an even-numbered year, the budget committee may**
  - 16           **request that the budget agency appear at a public meeting**
  - 17           **concerning the list.**
  - 18           **(f) Notwithstanding any other law, any remaining balance in a**
  - 19           **dedicated fund identified on the list submitted under subsection (d)**
  - 20           **reverts to the state general fund at the end of the state fiscal year**
  - 21           **in which the list is submitted.**
  - 22           SECTION 4. IC 4-22-2-15, AS AMENDED BY P.L.249-2023,
  - 23           SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
  - 24           JULY 1, 2024]: Sec. 15. Any rulemaking action that this chapter allows
  - 25           or requires an agency to perform, other than final adoption of a rule
  - 26           under section 29, 37.1, or 37.2 of this chapter or IC 13-14-9, may be
  - 27           performed by the individual or group of individuals with the statutory
  - 28           authority to adopt rules for the agency, a member of the agency's staff,
  - 29           or another agent of the agency. Final adoption of a rule under section
  - 30           29, 37.1, or 37.2 of this chapter or IC 13-14-9, including readoption of
  - 31           a rule that is subject to sections ~~24~~ **23** through 36 or to section 37.1 of
  - 32           this chapter and recalled for further consideration under section 40 of
  - 33           this chapter, may be performed only by the individual or group of
  - 34           individuals with the statutory authority to adopt rules for the agency.
  - 35           SECTION 5. IC 4-22-2-28, AS AMENDED BY THE TECHNICAL
  - 36           CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS
  - 37           AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:
  - 38           Sec. 28. (a) ~~The following definitions apply throughout~~ **As used in** this
  - 39           section,
  - 40           (†) "ombudsman" refers to the small business ombudsman
  - 41           designated under IC 5-28-17-6.
  - 42           (2) ~~"Total estimated economic impact"~~ **means the direct annual**



1 economic impact of a rule on all regulated persons after the rule  
2 is fully implemented under subsection (g):

3 (b) The ombudsman:

4 (1) shall review a proposed rule that imposes requirements or  
5 costs on small businesses (as defined in IC 4-22-2.1-4); and

6 (2) may review a proposed rule that imposes requirements or  
7 costs on businesses other than small businesses (as defined in  
8 IC 4-22-2.1-4).

9 After conducting a review under subdivision (1) or (2), the ombudsman  
10 may suggest alternatives to reduce any regulatory burden that the  
11 proposed rule imposes on small businesses or other businesses. The  
12 agency that intends to adopt the proposed rule shall respond in writing  
13 to the ombudsman concerning the ombudsman's comments or  
14 suggested alternatives before adopting the proposed rule under section  
15 29 of this chapter.

16 SECTION 6. IC 4-22-2-31, AS AMENDED BY P.L.249-2023,  
17 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2024]: Sec. 31. After an agency has complied with section 29  
19 of this chapter, or adopted the rule in conformity with IC 13-14-9, as  
20 applicable, the agency shall submit its rule to the attorney general for  
21 approval. The agency shall submit the following to the attorney  
22 general:

23 (1) The rule in the form required by section 20 of this chapter.

24 (2) The documents required by section 21 of this chapter.

25 (3) Written **or an electronic mail** authorization to proceed issued  
26 by the publisher under sections 23 and 24 of this chapter or  
27 IC 13-14-9-4, IC 13-14-9-5, or IC 13-14-9-14, as applicable.

28 (4) Any other documents specified by the attorney general.

29 The attorney general may require the agency to submit any supporting  
30 documentation that the attorney general considers necessary for the  
31 attorney general's review under section 32 of this chapter. The agency  
32 may submit any additional supporting documentation the agency  
33 considers necessary.

34 SECTION 7. IC 4-22-2-37.1, AS AMENDED BY P.L.249-2023,  
35 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2024]: Sec. 37.1. (a) The following do not apply to a rule  
37 adopted under this section:

38 (1) Sections 23 through 27 of this chapter or IC 13-14-9 (as  
39 applicable).

40 (2) Sections 28 through 36 of this chapter.

41 The amendments to this section made in the 2023 regular session of the  
42 general assembly apply to provisional rules that are accepted for filing



1 by the publisher of the Indiana Register after June 30, 2023, regardless  
 2 of whether the adopting agency initiated official action to adopt the rule  
 3 by the name of emergency rule or provisional rule before July 1, 2023.  
 4 An action taken before July 1, 2023, in conformity with this section (as  
 5 effective after June 30, 2023) is validated to the same extent as if the  
 6 action was taken after June 30, 2023.

7 (b) An agency may adopt a rule on a subject for which the agency  
 8 has rulemaking authority using the procedures in this section if the  
 9 governor finds that the agency proposing to adopt the rule has  
 10 demonstrated to the satisfaction of the governor that use of provisional  
 11 rulemaking procedures under this section is necessary to avoid:

- 12 (1) an imminent and a substantial peril to public health, safety, or  
 13 welfare;
- 14 (2) an imminent and a material loss of federal funds for an agency  
 15 program;
- 16 (3) an imminent and a material deficit;
- 17 (4) an imminent and a substantial violation of a state or federal  
 18 law or the terms of a federal agreement or program;
- 19 (5) injury to the business or interests of the people or any public  
 20 utility of Indiana as determined under IC 8-1-2-113;
- 21 (6) an imminent and a substantial peril to:  
 22 (A) wildlife; or  
 23 (B) domestic animal;  
 24 health, safety, or welfare; or
- 25 (7) the spread of invasive species, pests, or diseases affecting  
 26 plants.

27 To obtain a determination from the governor, an agency must submit  
 28 to the governor the text of the proposed provisional rule, a statement  
 29 justifying the need for provisional rulemaking procedures, and any  
 30 additional information required by the governor in the form and in the  
 31 manner required by the governor. The governor may not approve  
 32 provisional rulemaking for any part of a proposed provisional rule that  
 33 adds or amends language to increase or expand application of a fee,  
 34 fine, or civil penalty or a schedule of fees, fines, or civil penalties  
 35 before submitting the proposal to the budget committee for review. A  
 36 notice of determination by the governor shall include findings that  
 37 explain the basis for the determination. The notice of determination  
 38 shall be provided to the agency in an electronic format. Approval of a  
 39 request shall be treated as a determination that the rule meets the  
 40 criteria in this subsection.

41 (c) After the governor approves provisional rulemaking procedures  
 42 for a rule but before the agency adopts the provisional rule, the agency



1 shall obtain a document control number from the publisher. The  
2 publisher shall determine the documents and the format of the  
3 documents that must be submitted to the publisher to obtain a  
4 document control number. The agency must submit at least the  
5 following:

6 (1) The full text of the proposed provisional rule in the form  
7 required by section 20 of this chapter.

8 (2) A statement justifying the need for provisional rulemaking.

9 (3) The approval of the governor to use provisional rulemaking  
10 procedures required by law.

11 (4) The documents required by section 21 of this chapter.

12 An agency may not adopt a proposed provisional rule until after the  
13 publisher notifies the agency that the publisher has complied with  
14 subsection (d). At least ten (10) regular business days must elapse after  
15 the publisher has complied with subsection (d) before the department  
16 of natural resources, the natural resources commission, the department  
17 of environmental management, or a board that has rulemaking authority  
18 under IC 13 adopts a provisional rule.

19 (d) Upon receipt of documents described in subsection (c), the  
20 publisher shall distribute the full text of the proposed provisional rule  
21 to legislators and legislative committees in the manner and the form  
22 specified by the legislative council or the personnel subcommittee of  
23 the legislative council acting for the legislative council. After  
24 distribution has occurred, the publisher shall notify the agency of the  
25 date that distribution under this subsection has occurred.

26 (e) After the document control number has been assigned and the  
27 agency adopts the provisional rule, the agency shall submit the  
28 following to the publisher for filing:

29 (1) The text of the adopted provisional rule. The agency shall  
30 submit the provisional rule in the form required by section 20 of  
31 this chapter.

32 (2) A signature page that indicates that the agency has adopted the  
33 provisional rule in conformity with all procedures required by  
34 law.

35 (3) If the provisional rule adds or amends language to increase or  
36 expand application of a fee, fine, or civil penalty or a schedule of  
37 fees, fines, or civil penalties, the agenda of the budget committee  
38 meeting at which the rule was scheduled for review.

39 (4) The documents required by section 21 of this chapter.

40 The publisher shall determine the format of the provisional rule and  
41 other documents to be submitted under this subsection. The substantive  
42 text of the adopted provisional rule must be substantially similar to the





1 text of the proposed provisional rule submitted to the governor. A  
2 provisional rule may suspend but not repeal a rule approved by the  
3 governor under section 34 of this chapter.

4 (f) Subject to subsections (c) and (e) and section 39 of this chapter,  
5 the publisher shall:

6 (1) accept the provisional rule for filing;

7 (2) electronically record the date and time that the provisional  
8 rule is accepted; and

9 (3) publish the text of the adopted provisional rule and the  
10 governor's approval in the Indiana Register.

11 (g) A provisional rule adopted by an agency under this section takes  
12 effect on the latest of the following dates:

13 (1) The effective date of the statute delegating authority to the  
14 agency to adopt the provisional rule.

15 (2) The date and time that the provisional rule is accepted for  
16 filing under subsection (f).

17 (3) The effective date stated by the adopting agency in the  
18 provisional rule.

19 (4) The date of compliance with every requirement established by  
20 law as a prerequisite to the adoption or effectiveness of the  
21 provisional rule.

22 (5) The statutory effective date for a provisional rule set forth in  
23 law.

24 (h) An agency may amend a provisional rule with another  
25 provisional rule by following the procedures in this section for the  
26 amended provisional rule. However, unless otherwise provided by  
27 IC 4-22-2.3, a provisional rule and all amendments of a provisional rule  
28 by another provisional rule expire not later than one hundred eighty  
29 (180) days after the initial provisional rule is accepted for filing under  
30 subsection (f). **Unless otherwise provided by IC 4-22-2.3-2**, the  
31 subject of the provisional rule, including all amendments to the  
32 provisional rule, may not be subsequently extended under this section  
33 or section 37.2 of this chapter. If the governor determines that the  
34 circumstance that is the basis for using the procedures under this  
35 section ceases to exist, the governor may terminate the provisional rule  
36 before the lapse of one hundred eighty (180) days. The termination is  
37 effective when filed with the publisher. The publisher shall publish the  
38 termination notice in the Indiana Register.

39 (i) Subject to subsection (j), the attorney general or the governor  
40 may file an objection to a provisional rule that is adopted under this  
41 section not later than forty-five (45) days after the date that a  
42 provisional rule or amendment to a provisional rule is accepted for



1 filing under subsection (f). The objection must cite the document  
 2 control number for the affected provisional rule and state the basis for  
 3 the objection. When filed with the publisher, the objection has the  
 4 effect of invalidating the provisional rule or amendment to a  
 5 provisional rule. The publisher shall publish the objection in the  
 6 Indiana Register.

7 (j) The attorney general may file a written objection to a provisional  
 8 rule under subsection (i) only if the attorney general determines that the  
 9 provisional rule has been adopted:

- 10 (1) without statutory authority; or  
 11 (2) without complying with this section.

12 A notice of objection to a provisional rule by the attorney general must  
 13 include findings that explain the basis for the determination. The notice  
 14 of objection shall be provided to the agency in an electronic format.

15 SECTION 8. IC 4-22-2-38, AS AMENDED BY P.L.249-2023,  
 16 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2024]: Sec. 38. (a) This section applies to a rulemaking action  
 18 resulting in any of the following rules:

- 19 (1) A rule that brings another rule into conformity with section 20  
 20 of this chapter.  
 21 (2) A rule that amends another rule to replace an inaccurate  
 22 reference to a statute, rule, regulation, other text, governmental  
 23 entity, or location with an accurate reference, when the inaccuracy  
 24 is the result of the rearrangement of a federal or state statute, rule,  
 25 or regulation under a different citation number, a federal or state  
 26 transfer of functions from one (1) governmental entity to another,  
 27 a change in the name of a federal or state governmental entity, or  
 28 a change in the address of an entity.  
 29 (3) A rule correcting any other typographical, clerical, or spelling  
 30 error in another rule.

31 (b) Sections ~~24~~ 23 through 37.2 of this chapter do not apply to rules  
 32 described in subsection (a).

33 (c) Notwithstanding any other statute, an agency may adopt a rule  
 34 described by subsection (a) without complying with any statutory  
 35 notice, hearing, adoption, or approval requirement. In addition, the  
 36 governor may adopt a rule described in subsection (a) for an agency  
 37 without the agency's consent or action.

38 (d) A rule described in subsection (a) shall be submitted to the  
 39 publisher for the assignment of a document control number. The  
 40 agency (or the governor, for the agency) shall submit the rule in the  
 41 form required by section 20 of this chapter and with the documents  
 42 required by section 21 of this chapter. The publisher shall determine



1 the number of copies of the rule and other documents to be submitted  
2 under this subsection.

3 (e) After a document control number is assigned, the agency (or the  
4 governor, for the agency) shall submit the rule to the publisher for  
5 filing. The agency (or the governor, for the agency) shall submit the  
6 rule in the form required by section 20 of this chapter and with the  
7 documents required by section 21 of this chapter. The publisher shall  
8 determine the format of the rule and other documents to be submitted  
9 under this subsection.

10 (f) Subject to section 39 of this chapter, the publisher shall:

11 (1) accept the rule for filing; and

12 (2) electronically record the date and time that it is accepted.

13 (g) Subject to subsection (h), a rule described in subsection (a) takes  
14 effect on the latest of the following dates:

15 (1) The date that the rule being corrected by a rule adopted under  
16 this section becomes effective.

17 (2) The date that is forty-five (45) days from the date and time  
18 that the rule adopted under this section is accepted for filing  
19 under subsection (f).

20 (h) The governor or the attorney general may file an objection to a  
21 rule that is adopted under this section before the date that is forty-five  
22 (45) days from the date and time that the rule is accepted for filing  
23 under subsection (f). When filed with the publisher, the objection has  
24 the effect of invalidating the rule.

25 SECTION 9. IC 4-22-2.1-5, AS AMENDED BY P.L.249-2023,  
26 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2024]: Sec. 5. (a) If an agency intends to adopt a rule under  
28 IC 4-22-2 that will impose requirements or costs on small businesses,  
29 the agency shall prepare a statement that describes the annual  
30 economic impact of a rule on all small businesses after the rule is fully  
31 implemented. The statement required by this section must include the  
32 following:

33 (1) An estimate of the number of small businesses, classified by  
34 industry sector, that will be subject to the proposed rule.

35 (2) An estimate of the average annual reporting, record keeping,  
36 and other administrative costs that small businesses will incur to  
37 comply with the proposed rule.

38 (3) An estimate of the total annual economic impact that  
39 compliance with the proposed rule will have on all small  
40 businesses subject to the rule.

41 (4) A statement justifying any requirement or cost that is:

42 (A) imposed on small businesses by the rule; and



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- (B) not expressly required by:
    - (i) the statute authorizing the agency to adopt the rule; or
    - (ii) any other state or federal law.
- The statement required by this subdivision must include a reference to any data, studies, or analyses relied upon by the agency in determining that the imposition of the requirement or cost is necessary.
- (5) A regulatory flexibility analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed rule. The analysis under this subdivision must consider the following methods of minimizing the economic impact of the proposed rule on small businesses:
- (A) The establishment of less stringent compliance or reporting requirements for small businesses.
  - (B) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
  - (C) The consolidation or simplification of compliance or reporting requirements for small businesses.
  - (D) The establishment of performance standards for small businesses instead of design or operational standards imposed on other regulated entities by the rule.
  - (E) The exemption of small businesses from part or all of the requirements or costs imposed by the rule.

If the agency has made a preliminary determination not to implement one (1) or more of the alternative methods considered, the agency shall include a statement explaining the agency's reasons for the determination, including a reference to any data, studies, or analyses relied upon by the agency in making the determination.

**(b) The agency shall submit a copy of the notice of the first public comment period and regulatory analysis published under IC 4-22-2-23 to the small business ombudsman not later than the publication of the notice of the first public comment period.**

SECTION 10. IC 4-22-2.1-6, AS AMENDED BY P.L.249-2023, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 6. (a) Not later than seven (7) days before the date of the public hearing set forth in the agency's notice under ~~IC 4-22-2-24~~, **IC 4-22-2-23**, the small business ombudsman shall do the following:

- (1) Review the proposed rule **contained within the notice of the first public comment period** and economic impact statement **contained within the regulatory analysis** submitted to the small



1 business ombudsman by the agency under section 5 of this  
2 chapter.  
3 (2) Submit written comments to the agency on the proposed rule  
4 and the economic impact statement prepared by the agency under  
5 section 5 of this chapter. The small business ombudsman's  
6 comments may:  
7 (A) recommend that the agency implement one (1) or more of  
8 the regulatory alternatives considered by the agency under  
9 section 5 of this chapter;  
10 (B) suggest regulatory alternatives not considered by the  
11 agency under section 5 of this chapter;  
12 (C) recommend any other changes to the proposed rule that  
13 would minimize the economic impact of the proposed rule on  
14 small businesses; or  
15 (D) recommend that the agency abandon or delay the  
16 rulemaking action until:  
17 (i) more data on the impact of the proposed rule on small  
18 businesses can be gathered and evaluated; or  
19 (ii) less intrusive or less costly alternative methods of  
20 achieving the purpose of the proposed rule can be effectively  
21 implemented with respect to small businesses.  
22 (b) Upon receipt of the small business ombudsman's written  
23 comments under subsection (a), the agency shall make the comments  
24 available:  
25 (1) for public inspection and copying at the offices of the agency  
26 under IC 5-14-3;  
27 (2) electronically through the electronic gateway administered  
28 under IC 4-13.1-2-2(a)(6) by the office of technology; and  
29 (3) for distribution at the public hearing required by IC 4-22-2-26.  
30 (c) Before finally adopting a rule under IC 4-22-2-29, and in the  
31 same manner that the agency considers public comments under  
32 IC 4-22-2-27, the agency must fully consider the comments submitted  
33 by the small business ombudsman under subsection (a). After  
34 considering the comments under this subsection, the agency may:  
35 (1) adopt any version of the rule permitted under IC 4-22-2-29; or  
36 (2) abandon or delay the rulemaking action as recommended by  
37 the small business ombudsman under subsection (a)(2)(D), if  
38 applicable.  
39 SECTION 11. IC 4-22-2.3-6, AS ADDED BY P.L.249-2023,  
40 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2024]: Sec. 6. The following apply to the department of  
42 financial institutions:



1 (1) The department of financial institutions shall adopt rules  
2 under the interim rule procedures in IC 4-22-2-37.2 announcing:

3 (A) sixty (60) days before January 1 of each odd-numbered  
4 year in which dollar amounts under IC 24-4.5 (Uniform  
5 Consumer Credit Code) are to change, the changes in dollar  
6 amounts required by IC 24-4.5-1-106(2);

7 (B) promptly after the changes occur, changes in the Index  
8 required by IC 24-4.5-1-106(3), including, when applicable,  
9 the numerical equivalent of the Reference Base Index under a  
10 revised Reference Base Index and the designation or title of  
11 any index superseding the Index;

12 (C) the adjustments required under IC 24-9-2-8 concerning  
13 high cost home loans; and

14 (D) the adjustments required under IC 34-55-10-2 (bankruptcy  
15 exemptions; limitations) or IC 34-55-10-2.5.

16 A rule described in this subdivision expires not later than January  
17 of the next odd-numbered year after the department of financial  
18 institutions is required to issue the rule.

19 (2) The department of financial institutions may adopt a rule  
20 under the interim rule procedures in IC 4-22-2-37.2 for a rule  
21 permitted under IC 24-4.4-1-101 (licensing system for creditors  
22 and mortgage loan originators) or IC 24-4.5 (Uniform Consumer  
23 Credit Code) if the department of financial institutions declares  
24 an emergency. A rule described in this subdivision expires not  
25 later than two (2) years after the rule is effective.

26 (3) The department of financial institutions may adopt a rule  
27 described in IC 34-55-10-2 (bankruptcy exemptions; limitations)  
28 or IC 34-55-10-2.5 in conformity with the procedures in  
29 IC 4-22-2-23 through IC 4-22-2-36 or the interim rule procedures  
30 in IC 4-22-2-37.2. A rule described in this subdivision adopted  
31 under IC 4-22-2-37.2 expires not later than two (2) years after the  
32 rule is accepted for filing by the publisher of the Indiana Register.

33 A rule described in this section may be continued in another interim  
34 rule only if the governor determines under ~~section~~ IC 4-22-2-37.2(c)  
35 that the policy options available to the agency are so limited that use of  
36 the additional notice, comment, and review procedures in IC 4-22-2-23  
37 through IC 4-22-2-36 would provide no benefit to persons regulated or  
38 otherwise affected by the rule.

39 SECTION 12. IC 4-22-2.3-10 IS ADDED TO THE INDIANA  
40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
41 [EFFECTIVE JULY 1, 2024]: **Sec. 10. (a) An agency may adopt**  
42 **interim rules under IC 4-22-2-37.2 to implement a reduction, a full**



1 or partial waiver, or an elimination of a fee, fine, or civil penalty  
2 included in a rule adopted under IC 4-22-2.

3 (b) An interim rule authorized under this section expires not  
4 later than January 1 of the fifth year after the year in which the  
5 rule is accepted for filing by the publisher of the Indiana Register.

6 (c) A rule described in this section may be continued:

7 (1) if the agency readopts the rule:

8 (A) without changes in conformity with the procedures in  
9 IC 4-22-2.6-3 through IC 4-22-2.6-9; or

10 (B) with or without changes in conformity with the  
11 procedures in IC 4-22-2-23 through IC 4-22-2-36; or

12 (2) in another interim rule only if the governor determines  
13 under IC 4-22-2-37.2(c) that the policy options available to the  
14 agency are so limited that the use of the additional notice,  
15 comment, and review procedures in IC 4-22-2-23 through  
16 IC 4-22-2-36 would provide no benefit to persons regulated or  
17 otherwise affected by the rule.

18 SECTION 13. IC 4-22-2.6-1, AS ADDED BY P.L.249-2023,  
19 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2024]: Sec. 1. (a) Except as provided in this section and  
21 section 10 of this chapter, a rule **adopted under IC 4-22-2-23 through**  
22 **IC 4-22-2-36** expires January 1 of the fifth year after the year in which  
23 the rule takes effect, unless the rule expires or is repealed on an earlier  
24 date. Except for an amendment made under IC 4-22-2-38, the  
25 expiration date of a rule under this section is extended each time that  
26 a rule:

27 (1) amending **under IC 4-22-2-23 through IC 4-22-2-36;**

28 (2) **continuing under IC 4-22-2.3-10;** or

29 (3) readopting;

30 an unexpired rule takes effect. The rule, as amended or readopted,  
31 expires on January 1 of the fifth year after the year in which the  
32 amendment or readoption takes effect.

33 (b) If the latest version of a rule became effective:

34 (1) in calendar year 2017, the rule expires not later than January  
35 1, 2024;

36 (2) in calendar year 2018, the rule expires not later than January  
37 1, 2025;

38 (3) in calendar year 2019, the rule expires not later than January  
39 1, 2026; or

40 (4) in calendar year 2020, the rule expires not later than January  
41 1, 2027.

42 (c) If the latest version of a rule became effective before January 1,



- 1 2017, and:
- 2 (1) the rule was adopted by an agency established under IC 13,
- 3 the rule expires not later than January 1, 2025;
- 4 (2) the rule was adopted by an agency established under IC 16,
- 5 the rule expires not later than January 1, 2026; or
- 6 (3) the rule was adopted by an agency not described in
- 7 subdivision (1) or (2), the rule expires not later than January 1,
- 8 2027.

9 (d) A readoption rulemaking action under IC 4-22-2.5 (before its  
 10 repeal) or IC 13-14-9.5 (before its repeal) that became effective before  
 11 July 1, 2023, is validated to the same extent as if the rulemaking action  
 12 had been conducted under the procedures in this chapter.

13 (e) The determination of whether an administrative rule expires  
 14 under this chapter shall be applied at the level of an Indiana  
 15 Administrative Code section.

16 SECTION 14. IC 4-22-2.6-3, AS ADDED BY P.L.249-2023,  
 17 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (b), if an  
 19 agency intends to readopt a rule, the agency shall, not later than  
 20 January 1 of the ~~fourth~~ **year after preceding** the year in which the rule  
 21 ~~takes effect, expires under this chapter~~, provide an initial notice of  
 22 the intended readoption in an electronic format designated by the  
 23 publisher to legislators and legislative committees in the manner and  
 24 on the schedule specified by the legislative council or the personnel  
 25 subcommittee of the legislative council acting for the legislative  
 26 council.

27 (b) An agency is not required to provide the initial notice under  
 28 subsection (a) for a rule described in section 1(b)(1) of this chapter.

29 **(c) After receiving the material as required by this section, the**  
 30 **publisher shall assign a document control number.**

31 SECTION 15. IC 4-22-2.6-5, AS ADDED BY P.L.249-2023,  
 32 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2024]: Sec. 5. (a) If an agency elects to readopt a rule under  
 34 this chapter, the agency shall submit a notice of proposed readoption  
 35 to the publisher not later than the first regular business day in  
 36 September of the year preceding the year in which the rule expires  
 37 under this chapter for publication in the Indiana Register. A separate  
 38 notice must be published for each board or other person or entity with  
 39 rulemaking authority.

- 40 (b) The notice must include the following:
- 41 (1) A general description of the subject matter of all rules
- 42 proposed to be readopted.





- 1 (2) A listing of rules that are proposed to be readopted, listed by
- 2 their titles and subtitles only.
- 3 (3) A written public comment period of thirty (30) days and
- 4 instructions on how to submit written comments to the agency.
- 5 (4) A request for comments on whether specific rules should be
- 6 reviewed through the regular rulemaking process under
- 7 IC 4-22-2-23 through IC 4-22-2-36 (as modified by IC 13-14-9,
- 8 when applicable).
- 9 (5) A summary of the agency's findings under section 4 of this
- 10 chapter.
- 11 (6) Any other information required by the publisher.

12 (c) The agency shall submit the material in the form required by  
 13 IC 4-22-2-20. The agency need not resubmit the documents required by  
 14 IC 4-22-2-21 if the publisher received a copy of the documents when  
 15 the rule was previously adopted or amended. The publisher shall  
 16 review the material submitted under this section and determine the date  
 17 that the publisher intends to include the material in the Indiana  
 18 Register. After:

- 19 (1) establishing the intended publication date; and
  - 20 (2) receiving the material as required by this section;
- 21 the publisher shall ~~assign a document control number~~; provide an  
 22 electronic mail authorization to proceed to the agency and publish the  
 23 material on the intended publication date.

24 SECTION 16. IC 12-15-44.5-6, AS AMENDED BY P.L.108-2019,  
 25 SECTION 198, IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For a state fiscal year  
 27 beginning July 1, 2018, ~~or thereafter~~, **and before July 1, 2024**, the  
 28 office, after review by the state budget committee, may determine that  
 29 no incremental fees collected under IC 16-21-10-13.3 are required to  
 30 be deposited into the phase out trust fund established under section 7  
 31 of this chapter. **This subsection expires July 1, 2024.**

- 32 (b) If the plan is to be terminated for any reason, the office shall:
- 33 (1) if required, provide notice of termination of the plan to the
- 34 United States Department of Health and Human Services and
- 35 begin the process of phasing out the plan; or
- 36 (2) if notice and a phase out plan is not required under federal
- 37 law, notify the hospital assessment fee committee (IC 16-21-10)
- 38 of the office's intent to terminate the plan and the plan shall be
- 39 phased out under a procedure approved by the hospital
- 40 assessment fee committee.

41 The office may not submit any phase out plan to the United States  
 42 Department of Health and Human Services or accept any phase out



1 plan proposed by the Department of Health and Human Services  
2 without the prior approval of the hospital assessment fee committee.

3 (c) Before submitting:

4 (1) an extension of; or

5 (2) a material amendment to;

6 the plan to the United States Department of Health and Human  
7 Services, the office shall inform the Indiana Hospital Association of the  
8 extension or material amendment to the plan.

9 SECTION 17. IC 12-15-44.5-7, AS ADDED BY P.L.213-2015,  
10 SECTION 136, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The phase out trust fund  
12 is established for the purpose of holding the money needed during a  
13 phase out period of the plan. Funds deposited under this section shall  
14 be used only:

15 (1) to fund the state share of the expenses described in  
16 IC 16-21-10-13.3(b)(1)(A) through IC 16-21-10-13.3(b)(1)(F)  
17 incurred during a phase out period of the plan;

18 (2) after funds from the healthy Indiana trust fund  
19 (IC 12-15-44.2-17) are exhausted; and

20 (3) to refund hospitals in the manner described in subsection (h).

21 The fund is separate from the state general fund.

22 (b) The fund shall be administered by the office.

23 (c) The expenses of administering the fund shall be paid from  
24 money in the fund.

25 (d) The trust fund must consist of:

26 (1) the funds described in section 6 of this chapter; and

27 (2) any interest accrued under this section.

28 (e) The treasurer of state shall invest the money in the fund not  
29 currently needed to meet the obligations of the fund in the same  
30 manner as other public money may be invested. Interest that accrues  
31 from these investments shall be deposited in the fund.

32 (f) Money in the fund does not revert to the state general fund at the  
33 end of any fiscal year. **However, the budget agency shall transfer all**  
34 **money in the trust fund to the Medicaid contingency and reserve**  
35 **account established by IC 4-12-1-15.5 on or before June 30, 2024.**

36 (g) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.  
37 Money may not be transferred, assigned, or otherwise removed from  
38 the fund by the state board of finance, the budget agency, or any other  
39 state agency unless specifically authorized under this chapter.

40 (h) At the end of the phase out period, any remaining funds and  
41 accrued interest shall be distributed to the hospitals on a pro rata basis  
42 based on the fees authorized by IC 16-21-10 that were paid by each



1 hospital for the state fiscal year that ended immediately before the  
2 beginning of the phase out period.

3 **(i) This section expires July 1, 2024.**

4 SECTION 18. IC 13-14-9-4, AS AMENDED BY P.L.249-2023,  
5 SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 JULY 1, 2024]: Sec. 4. (a) In addition to the requirements of  
7 IC 4-22-2-23 and (if applicable) IC 4-22-2-24, the notice of public  
8 comment **period** submitted by the department to the publisher must do  
9 the following:

10 (1) Contain a summary of the response of the department to  
11 written comments submitted under section 3 of this chapter, if  
12 applicable.

13 (2) Request the submission of comments, including suggestions  
14 of specific amendments to the language contained in the proposed  
15 rule.

16 (3) Identify each element of the proposed rule that imposes a  
17 restriction or requirement on persons to whom the proposed rule  
18 applies that:

19 (A) is more stringent than a restriction or requirement imposed  
20 under federal law; or

21 (B) applies in a subject area in which federal law does not  
22 impose a restriction or requirement.

23 (4) With respect to each element identified under subdivision (3),  
24 identify:

25 (A) the environmental circumstance or hazard that dictates the  
26 imposition of the proposed restriction or requirement to  
27 protect human health and the environment;

28 (B) examples in which federal law is inadequate to provide the  
29 protection referred to in clause (A); and

30 (C) the:

31 (i) estimated fiscal impact; and

32 (ii) expected benefits;

33 based on the extent to which the proposed rule is more  
34 stringent than the restrictions or requirements of federal law,  
35 or on the creation of restrictions or requirements in a subject  
36 area in which federal law does not impose restrictions or  
37 requirements.

38 (5) For any element of the proposed rule that imposes a restriction  
39 or requirement that is more stringent than a restriction or  
40 requirement imposed under federal law or that applies in a subject  
41 area in which federal law does not impose restrictions or  
42 requirements, describe the availability for public inspection of all



- 1 materials relied upon by the department in the development of the
- 2 proposed rule, including, if applicable:
- 3 (A) health criteria;
- 4 (B) analytical methods;
- 5 (C) treatment technology;
- 6 (D) economic impact data;
- 7 (E) environmental assessment data;
- 8 (F) analyses of methods to effectively implement the proposed
- 9 rule; and
- 10 (G) other background data.

11 (b) If the notice provided by the department concerning a proposed  
 12 rule identifies an element of the proposed rule that imposes a restriction  
 13 or requirement more stringent than a restriction or requirement  
 14 imposed under federal law, the proposed rule shall not become  
 15 effective under this chapter until the adjournment sine die of the  
 16 regular session of the general assembly that begins after the department  
 17 provides the notice.

18 (c) Subsection (b) does not prohibit or restrict the commissioner, the  
 19 department, or the board from:

- 20 (1) adopting provisional rules under IC 4-22-2-37.1;
- 21 (2) taking emergency action under IC 13-14-10; or
- 22 (3) temporarily:
  - 23 (A) altering ordinary operating policies or procedures; or
  - 24 (B) implementing new policies or procedures;

25 in response to an emergency situation.

26 SECTION 19. IC 16-21-10-13.3, AS AMENDED BY P.L.201-2023,  
 27 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2024]: Sec. 13.3. (a) This section is effective  
 29 beginning February 1, 2015. As used in this section, "plan" refers to the  
 30 healthy Indiana plan established in IC 12-15-44.5.

31 (b) Subject to subsections (c) through (e), the incremental fee under  
 32 this section may be used to fund the state share of the expenses  
 33 specified in this subsection if, after January 31, 2015, but before the  
 34 collection of the fee under this section, the following occur:

- 35 (1) The committee establishes a fee formula to be used to fund the  
 36 state share of the following expenses described in this  
 37 subdivision:
  - 38 (A) The state share of the capitated payments made to a  
 39 managed care organization that contracts with the office to  
 40 provide health coverage under the plan to plan enrollees other  
 41 than plan enrollees who are eligible for the plan under Section  
 42 1931 of the federal Social Security Act.



- 1 (B) The state share of capitated payments described in clause  
 2 (A) for plan enrollees who are eligible for the plan under  
 3 Section 1931 of the federal Social Security Act that are limited  
 4 to the difference between:  
 5 (i) the capitation rates effective September 1, 2014,  
 6 developed using Medicaid reimbursement rates; and  
 7 (ii) the capitation rates applicable for the plan developed  
 8 using the plan's Medicare reimbursement rates described in  
 9 IC 12-15-44.5-5(a)(2).  
 10 (C) The state share of the state's contributions to plan enrollee  
 11 accounts.  
 12 (D) The state share of amounts used to pay premiums for a  
 13 premium assistance plan implemented under  
 14 IC 12-15-44.2-20.  
 15 (E) The state share of the costs of increasing reimbursement  
 16 rates for physician services provided to individuals enrolled in  
 17 Medicaid programs other than the plan, but not to exceed the  
 18 difference between the Medicaid fee schedule for a physician  
 19 service that was in effect before the implementation of the plan  
 20 and the amount equal to seventy-five percent (75%) of the  
 21 previous year federal Medicare reimbursement rate for a  
 22 physician service. The incremental fee may not be used for the  
 23 amount that exceeds seventy-five percent (75%) of the federal  
 24 Medicare reimbursement rate for a physician service.  
 25 (F) The state share of the state's administrative costs that, for  
 26 purposes of this clause, may not exceed one hundred seventy  
 27 dollars (\$170) per person per plan enrollee per year, and  
 28 adjusted annually by the Consumer Price Index.  
 29 ~~(G) The money described in IC 12-15-44.5-6(a) for the phase~~  
 30 ~~out period of the plan.~~  
 31 (2) The committee approves a process to be used for reconciling:  
 32 (A) the state share of the costs of the plan;  
 33 (B) the amounts used to fund the state share of the costs of the  
 34 plan; and  
 35 (C) the amount of fees assessed for funding the state share of  
 36 the costs of the plan.  
 37 For purposes of this subdivision, "costs of the plan" includes the  
 38 costs of the expenses listed in subdivision (1)(A) through ~~(1)(G)~~.  
 39 **(1)(F)**.  
 40 The fees collected under subdivision (1)(A) through (1)(F) shall be  
 41 deposited into the incremental hospital fee fund established by section  
 42 13.5 of this chapter. ~~Fees described in subdivision (1)(G) shall be~~



1 deposited into the phase out trust fund described in IC 12-15-44.5-7.  
 2 The fees used for purposes of funding the state share of expenses listed  
 3 in subdivision (1)(A) through (1)(F) may not be used to fund expenses  
 4 incurred on or after the commencement of a phase out period of the  
 5 plan.

6 (c) For each state fiscal year for which the fee authorized by this  
 7 section is used to fund the state share of the expenses described in  
 8 subsection (b)(1), the amount of fees shall be reduced by:

9 (1) the amount of funds annually designated by the general  
 10 assembly to be deposited in the healthy Indiana plan trust fund  
 11 established by IC 12-15-44.2-17; less

12 (2) the annual cigarette tax funds annually appropriated by the  
 13 general assembly for childhood immunization programs under  
 14 IC 12-15-44.2-17(a)(3).

15 (d) The incremental fee described in this section may not:

16 (1) be assessed before July 1, 2016; and

17 (2) be assessed or collected on or after the beginning of a phase  
 18 out period of the plan.

19 (e) This section is not intended to and may not be construed to  
 20 change or affect any component of the programs established under  
 21 section 8 of this chapter.

22 SECTION 20. IC 25-1-5.3-1, AS ADDED BY P.L.249-2023,  
 23 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2024]: Sec. 1. The following definitions apply throughout this  
 25 chapter:

26 (1) "Agency" has the meaning set forth in IC 25-1-5-2.

27 (2) "Applicant" has the meaning set forth in IC 25-1-5-11.

28 (3) "Board" has the meaning set forth in IC 25-1-5-2.

29 (4) "Compliant", with respect to a licensure rule, means a  
 30 licensure rule that the agency or a board has adopted.

31 (5) "Enactment date" means the date on which a statute **that**  
 32 requires rulemaking for a licensure rule ~~to become~~ **becomes**  
 33 effective or otherwise requires rulemaking to commence.

34 (6) "Executive director" refers to the individual described in  
 35 IC 25-1-5-5.

36 (7) "Licensee" has the meaning set forth in IC 25-1-5-11.

37 (8) "Licensure rule" means a rule that:

38 (A) relates to the issuance of a license, certificate, registration,  
 39 or permit, or a requirement or prerequisite for obtaining a  
 40 license, or keeping a license in good standing; and

41 (B) is required by statute with an enactment date after January  
 42 1, 2023, to be adopted by the agency or a board.



- 1 (9) "Material detriment" means:
- 2 (A) an inability to obtain a license, certification, permit, or
- 3 other credential from the agency or a board;
- 4 (B) an inability to:
- 5 (i) practice;
- 6 (ii) perform a procedure; or
- 7 (iii) engage in a particular professional activity in Indiana or
- 8 another jurisdiction; or
- 9 (C) any other substantial burden to professional or business
- 10 interests.
- 11 (10) "Noncompliant", with respect to a licensure rule, means a
- 12 licensure rule that the agency or a board has not adopted as a
- 13 **permanent rule under the procedures in IC 4-22-2-23 through**
- 14 **IC 4-22-2-36 or an interim rule under IC 4-22-2-37.2 within on**
- 15 **or before the later of the following:**
- 16 (A) Six (6) months ~~of~~ **from** the enactment date.
- 17 (B) **The date provided in a statute that requires**
- 18 **rulemaking for a licensure rule to become effective.**
- 19 SECTION 21. IC 25-1-5.3-2, AS ADDED BY P.L.249-2023,
- 20 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 21 JULY 1, 2024]: Sec. 2. (a) If a licensee or applicant believes that the
- 22 agency or a board has failed to adopt a licensure rule within six (6)
- 23 months of the enactment date **or by the date provided in a statute**
- 24 **that requires rulemaking for a licensure rule to become effective,**
- 25 **whichever is later,** an applicant or licensee who has suffered a
- 26 material detriment as a result of a noncompliant licensure rule may
- 27 seek damages from the agency or board by bringing an action in a court
- 28 of competent jurisdiction.
- 29 (b) A court shall not certify a class in any matter seeking damages
- 30 under this section.
- 31 (c) In a matter seeking damages under this section, a court may
- 32 order the following:
- 33 (1) An injunction requiring adoption of a compliant interim
- 34 licensure rule not earlier than six (6) months from the date of the
- 35 order.
- 36 (2) Damages equal to the amount of the material detriment caused
- 37 by the noncompliant licensure rule, including prospective
- 38 damages through the date established under subdivision (1).
- 39 (3) Court costs and attorney's fees.
- 40 (d) IC 34-13-3 applies to an action brought under this section.
- 41 SECTION 22. **An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 4, 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 2, line 33, delete "IC 12-15-44.5-7." and insert "**IC 12-15-44.5-7 (before its expiration).**".

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 15. IC 12-15-44.5-6, AS AMENDED BY P.L.108-2019, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For a state fiscal year beginning July 1, 2018, ~~or thereafter,~~ **and before July 1, 2024**, the office, after review by the state budget committee, may determine that no incremental fees collected under IC 16-21-10-13.3 are required to be deposited into the phase out trust fund established under section 7 of this chapter. **This subsection expires July 1, 2024.**

(b) If the plan is to be terminated for any reason, the office shall:

- (1) if required, provide notice of termination of the plan to the United States Department of Health and Human Services and begin the process of phasing out the plan; or
- (2) if notice and a phase out plan is not required under federal law, notify the hospital assessment fee committee (IC 16-21-10) of the office's intent to terminate the plan and the plan shall be phased out under a procedure approved by the hospital assessment fee committee.

The office may not submit any phase out plan to the United States Department of Health and Human Services or accept any phase out plan proposed by the Department of Health and Human Services without the prior approval of the hospital assessment fee committee.

(c) Before submitting:

- (1) an extension of; or
- (2) a material amendment to;

the plan to the United States Department of Health and Human Services, the office shall inform the Indiana Hospital Association of the extension or material amendment to the plan."

Page 16, between lines 36 and 37, begin a new paragraph and insert: "**(i) This section expires July 1, 2024.**".

Page 18, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 19. IC 16-21-10-13.3, AS AMENDED BY P.L.201-2023, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 13.3. (a) This section





is effective beginning February 1, 2015. As used in this section, "plan" refers to the healthy Indiana plan established in IC 12-15-44.5.

(b) Subject to subsections (c) through (e), the incremental fee under this section may be used to fund the state share of the expenses specified in this subsection if, after January 31, 2015, but before the collection of the fee under this section, the following occur:

(1) The committee establishes a fee formula to be used to fund the state share of the following expenses described in this subdivision:

(A) The state share of the capitated payments made to a managed care organization that contracts with the office to provide health coverage under the plan to plan enrollees other than plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act.

(B) The state share of capitated payments described in clause (A) for plan enrollees who are eligible for the plan under Section 1931 of the federal Social Security Act that are limited to the difference between:

(i) the capitation rates effective September 1, 2014, developed using Medicaid reimbursement rates; and

(ii) the capitation rates applicable for the plan developed using the plan's Medicare reimbursement rates described in IC 12-15-44.5-5(a)(2).

(C) The state share of the state's contributions to plan enrollee accounts.

(D) The state share of amounts used to pay premiums for a premium assistance plan implemented under IC 12-15-44.2-20.

(E) The state share of the costs of increasing reimbursement rates for physician services provided to individuals enrolled in Medicaid programs other than the plan, but not to exceed the difference between the Medicaid fee schedule for a physician service that was in effect before the implementation of the plan and the amount equal to seventy-five percent (75%) of the previous year federal Medicare reimbursement rate for a physician service. The incremental fee may not be used for the amount that exceeds seventy-five percent (75%) of the federal Medicare reimbursement rate for a physician service.

(F) The state share of the state's administrative costs that, for purposes of this clause, may not exceed one hundred seventy dollars (\$170) per person per plan enrollee per year, and adjusted annually by the Consumer Price Index.



~~(G) The money described in IC 12-15-44.5-6(a) for the phase out period of the plan.~~

- (2) The committee approves a process to be used for reconciling:
- (A) the state share of the costs of the plan;
  - (B) the amounts used to fund the state share of the costs of the plan; and
  - (C) the amount of fees assessed for funding the state share of the costs of the plan.

For purposes of this subdivision, "costs of the plan" includes the costs of the expenses listed in subdivision (1)(A) through ~~(1)(G)~~: **(1)(F)**.

The fees collected under subdivision (1)(A) through (1)(F) shall be deposited into the incremental hospital fee fund established by section 13.5 of this chapter. ~~Fees described in subdivision (1)(G) shall be deposited into the phase out trust fund described in IC 12-15-44.5-7.~~ The fees used for purposes of funding the state share of expenses listed in subdivision (1)(A) through (1)(F) may not be used to fund expenses incurred on or after the commencement of a phase out period of the plan.

(c) For each state fiscal year for which the fee authorized by this section is used to fund the state share of the expenses described in subsection (b)(1), the amount of fees shall be reduced by:

- (1) the amount of funds annually designated by the general assembly to be deposited in the healthy Indiana plan trust fund established by IC 12-15-44.2-17; less
- (2) the annual cigarette tax funds annually appropriated by the general assembly for childhood immunization programs under IC 12-15-44.2-17(a)(3).

(d) The incremental fee described in this section may not:

- (1) be assessed before July 1, 2016; and
- (2) be assessed or collected on or after the beginning of a phase out period of the plan.

(e) This section is not intended to and may not be construed to change or affect any component of the programs established under section 8 of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 4 as introduced.)

MISHLER, Chairperson



Committee Vote: Yeas 13, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 4 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-42.4-8, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The legislative services agency shall establish and maintain a system for making available to the public information about the amount and effectiveness of workforce related programs.

(b) The legislative services agency shall develop and publish on the general assembly's ~~Internet web site~~ **website** a multiyear schedule that lists all workforce related programs and indicates the year when the report will be published for each workforce related program reviewed. The legislative services agency may revise the schedule as long as the legislative services agency provides for a systematic review, analysis, and evaluation of all workforce related programs and ~~that~~ each workforce related program is reviewed at least once. ~~every five (5) years.~~".

Renumber all SECTIONS consecutively.

(Reference is to SB 4 as printed January 19, 2024.)

GARTEN

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 4, 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 2, delete lines 1 through 34.

Page 4, line 28, after "ASSEMBLY" insert ",".

Page 22, delete lines 33 through 42.

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Page 23, delete lines 1 through 18.  
Renumber all SECTIONS consecutively.  
and when so amended that said bill do pass.

(Reference is to SB 4 as reprinted January 23, 2024.)

THOMPSON

Committee Vote: yeas 20, nays 0.

