



February 22, 2019

SENATE BILL No. 162

DIGEST OF SB 162 (Updated February 20, 2019 2:02 pm - DI 97)

Citations Affected: IC 5-10; IC 12-7; IC 12-15; IC 27-8; IC 27-13; noncode.

Synopsis: Chronic pain management. Requires state employee health plans, Medicaid, policies of accident and sickness insurance, and health maintenance organization contracts to provide coverage for chronic pain management. Requires the office of Medicaid policy and planning to apply for any Medicaid state plan amendment necessary to provide the coverage.

Effective: July 1, 2019.

Messmer

January 3, 2019, read first time and referred to Committee on Insurance and Financial Institutions.
February 21, 2019, amended, reported favorably — Do Pass.

SB 162—LS 6243/DI 97



February 22, 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.

SENATE BILL No. 162

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

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

- 1 SECTION 1. IC 5-10-8-21 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 21. (a) As used in this section, "chronic pain
4 management" means evidence based health care products and
5 services intended to relieve pain that has lasted for at least three
6 (3) months. The term includes:**
7 **(1) prescription drugs;**
8 **(2) physical therapy;**
9 **(3) occupational therapy; and**
10 **(4) chiropractic care.**
11 **(b) As used in this section, "covered individual" means an
12 individual entitled to coverage under a state employee health plan.**
13 **(c) As used in this section, "state employee health plan" means
14 the following:**
15 **(1) A self-insurance program established under section 7(b) of
16 this chapter.**
17 **(2) A contract for prepaid health care services entered into**

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1 under section 7(c) of this chapter.

2 (d) A state employee health plan must provide coverage for
3 chronic pain management prescribed by a covered individual's
4 treating practitioner.

5 (e) The coverage required by this section may not be subject to
6 annual or lifetime limitation, deductible, copayment, or
7 coinsurance provisions that are more restrictive than the annual or
8 lifetime limitation, deductible, copayment, or coinsurance
9 provisions that apply to physical illness generally under the state
10 employee health plan.

11 SECTION 2. IC 12-7-2-33.4 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2019]: Sec. 33.4. "Chronic pain management", for purposes of
14 IC 12-15-5, means evidence based health care products and
15 services intended to relieve pain that has lasted for at least three
16 (3) months. The term includes:

- 17 (1) prescription drugs;
18 (2) physical therapy;
19 (3) occupational therapy; and
20 (4) chiropractic care.

21 SECTION 3. IC 12-15-5-1, AS AMENDED BY P.L.210-2015,
22 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2019]: Sec. 1. Except as provided in IC 12-15-2-12,
24 IC 12-15-6, and IC 12-15-21, the following services and supplies are
25 provided under Medicaid:

- 26 (1) Inpatient hospital services.
27 (2) Nursing facility services.
28 (3) Physician's services, including services provided under
29 IC 25-10-1 and IC 25-22.5-1.
30 (4) Outpatient hospital or clinic services.
31 (5) Home health care services.
32 (6) Private duty nursing services.
33 (7) Physical therapy and related services.
34 (8) Dental services.
35 (9) Prescribed laboratory and x-ray services.
36 (10) Prescribed drugs and pharmacist services.
37 (11) Eyeglasses and prosthetic devices.
38 (12) Optometric services.
39 (13) Diagnostic, screening, preventive, and rehabilitative services.
40 (14) Podiatric medicine services.
41 (15) Hospice services.
42 (16) Services or supplies recognized under Indiana law and



- 1 specified under rules adopted by the office.
 2 (17) Family planning services except the performance of
 3 abortions.
 4 (18) Nonmedical nursing care given in accordance with the tenets
 5 and practices of a recognized church or religious denomination to
 6 an individual qualified for Medicaid who depends upon healing
 7 by prayer and spiritual means alone in accordance with the tenets
 8 and practices of the individual's church or religious denomination.
 9 (19) Services provided to individuals described in IC 12-15-2-8.
 10 (20) Services provided under IC 12-15-34 and IC 12-15-32.
 11 (21) Case management services provided to individuals described
 12 in IC 12-15-2-11 and IC 12-15-2-13.
 13 (22) Any other type of remedial care recognized under Indiana
 14 law and specified by the United States Secretary of Health and
 15 Human Services.
 16 (23) Examinations required under IC 16-41-17-2(a)(10).
 17 (24) Inpatient substance abuse detoxification services.

18 **(25) Chronic pain management.**
 19 SECTION 4. IC 27-8-35 IS ADDED TO THE INDIANA CODE AS
 20 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2019]:

22 **Chapter 35. Coverage for Chronic Pain Management**

23 **Sec. 1. As used in this chapter, "chronic pain management"**
 24 **means evidence based health care products and services intended**
 25 **to relieve pain that has lasted for at least three (3) months. The**
 26 **term includes:**

- 27 **(1) prescription drugs;**
 28 **(2) physical therapy;**
 29 **(3) occupational therapy; and**
 30 **(4) chiropractic care.**

31 **Sec. 2. As used in this chapter, "insured" means an individual**
 32 **entitled to coverage under a policy of accident and sickness**
 33 **insurance.**

34 **Sec. 3. As used in this chapter, "policy of accident and sickness**
 35 **insurance" has the meaning set forth in IC 27-8-5-1.**

36 **Sec. 4. A policy of accident and sickness insurance must provide**
 37 **coverage for chronic pain management prescribed by an insured's**
 38 **treating practitioner.**

39 **Sec. 5. The coverage required by this section may not be subject**
 40 **to annual or lifetime limitation, deductible, copayment, or**
 41 **coinsurance provisions that are more restrictive than the annual or**
 42 **lifetime limitation, deductible, copayment, or coinsurance**



1 provisions that apply to physical illness generally under the policy
2 of accident and sickness insurance.

3 SECTION 5. IC 27-13-7-24 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2019]: Sec. 24. (a) This section applies to each of the following:

6 (1) An individual contract.

7 (2) A group contract.

8 (b) As used in this section, "chronic pain management" means
9 evidence based health care products and services intended to
10 relieve pain that has lasted for at least three (3) months. The term
11 includes:

12 (1) prescription drugs;

13 (2) physical therapy;

14 (3) occupational therapy; and

15 (4) chiropractic care.

16 (c) An individual contract and a group contract must provide
17 coverage for chronic pain management prescribed by an enrollee's
18 treating practitioner.

19 (d) The coverage required by this section may not be subject to
20 annual or lifetime limitation, deductible, copayment, or
21 coinsurance provisions that are more restrictive than the annual or
22 lifetime limitation, deductible, copayment, or coinsurance
23 provisions that apply to physical illness generally under the
24 individual contract or group contract.

25 SECTION 6. [EFFECTIVE JULY 1, 2019] (a) IC 5-10-8-21, as
26 added by this act, applies to a state employee health plan that is
27 established, entered into, amended, or renewed after June 30, 2019.

28 (b) IC 27-8-35, as added by this act, applies to a policy of
29 accident and sickness insurance that is issued, delivered, amended,
30 or renewed after June 30, 2019.

31 (c) IC 27-13-7-24, as added by this act, applies to an individual
32 contract and a group contract that are entered into, delivered,
33 amended, or renewed after June 30, 2019.

34 (d) The office of Medicaid policy and planning:

35 (1) shall apply to the United States Department of Health and
36 Human Services for any necessary amendment to the state
37 Medicaid plan to provide coverage for chronic pain
38 management as required by IC 12-15-5-1, as amended by this
39 act;

40 (2) may not implement the amendment until the office files an
41 affidavit with the governor attesting that the amendment or
42 waiver applied for under this SECTION is in effect;



1 **(3) shall, not more than five (5) days after the office is notified**
2 **that the amendment is approved, file an affidavit described in**
3 **subdivision (2) with the governor; and**
4 **(4) shall implement the amendment not more than sixty (60)**
5 **days after the governor receives the affidavit.**
6 **(e) This SECTION expires July 1, 2022.**



COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 162, 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 1, line 3, delete "pain" means" and insert "**pain management**" means evidence based health care products and services intended to relieve pain that has lasted for at least three (3) months. The term includes:

- (1) prescription drugs;
- (2) physical therapy;
- (3) occupational therapy; and
- (4) chiropractic care."

Page 1, delete lines 4 through 17.

Page 2, delete line 1.

Page 2, line 2, delete "(c)" and insert "(b)".

Page 2, line 4, delete "(d)" and insert "(e)".

Page 2, line 10, delete "(e)" and insert "(d)".

Page 2, line 12, delete ":" and insert ".".

Page 2, delete lines 13 through 15.

Page 2, line 16, delete "(f)" and insert "(e)".

Page 2, delete lines 22 through 30.

Page 2, line 35, delete "chronic pain." and insert "**pain that has lasted for at least three (3) months.**".

Page 2, delete lines 36 through 40, begin a new line block indented and insert:

- "(1) prescription drugs;
- (2) physical therapy;
- (3) occupational therapy; and
- (4) chiropractic care."

Page 3, line 38, delete "prescribed by a recipient's" and insert ".".

Page 3, delete lines 39 through 42.

Delete page 4.

Page 5, delete lines 1 through 38.

Page 6, delete lines 1 through 15, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "**chronic pain management**" means evidence based health care products and services intended to relieve pain that has lasted for at least three (3) months. The term includes:

- (1) prescription drugs;



- (2) physical therapy;**
- (3) occupational therapy; and**
- (4) chiropractic care."**

Page 6, line 16, delete "Sec. 3." and insert "**Sec. 2.**".

Page 6, line 19, delete "Sec. 4." and insert "**Sec. 3.**".

Page 6, line 21, delete "Sec. 5." and insert "**Sec. 4.**".

Page 6, line 23, delete ":" and insert ".".

Page 6, delete lines 24 through 26.

Page 6, line 27, delete "Sec. 6." and insert "**Sec. 5.**".

Page 6, delete lines 39 through 42.

Page 7, delete lines 1 through 11, begin a new paragraph and insert:

"(b) As used in this section, "chronic pain management" means evidence based health care products and services intended to relieve pain that has lasted for at least three (3) months. The term includes:

- (1) prescription drugs;**
- (2) physical therapy;**
- (3) occupational therapy; and**
- (4) chiropractic care."**

Page 7, line 12, delete "(d)" and insert "**(c)**".

Page 7, line 14, delete ":" and insert ".".

Page 7, delete lines 15 through 17.

Page 7, line 18, delete "(e)" and insert "**(d)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 162 as introduced.)

BASSLER, Chairperson

Committee Vote: Yeas 8, Nays 1.

