

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 ENROLLED ACT No. 162

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 5-10-8-22 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 22. (a) As used in this section, "chronic pain" means pain that:**

- (1) persists beyond the usual course of an acute disease or healing of an injury; or**
- (2) may be associated with an acute or chronic pathologic process that causes continuous or intermittent pain for a period of months or years.**

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

The term includes:

- (1) prescription drugs;**
- (2) physical therapy;**
- (3) occupational therapy;**
- (4) chiropractic care; and**
- (5) osteopathic manipulative treatment.**

(c) As used in this section, "covered individual" means an individual entitled to coverage under a state employee health plan.

(d) As used in this section, "state employee health plan" means the following:

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(1) A self-insurance program established under section 7(b) of this chapter.

(2) A contract for prepaid health care services entered into under section 7(c) of this chapter.

The term does not include a dental plan.

(e) A state employee health plan must provide coverage for medically necessary chronic pain management prescribed by a covered individual's treating practitioner.

(f) The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the state employee health plan.

SECTION 2. IC 12-7-2-33.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 33.3. "Chronic pain" means pain that:**

(1) persists beyond the usual course of an acute disease or healing of an injury; or

(2) may be associated with an acute or chronic pathologic process that causes continuous or intermittent pain for a period of months or years.

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

(1) prescription drugs;

(2) physical therapy;

(3) occupational therapy;

(4) chiropractic care; and

(5) osteopathic manipulative treatment.

SECTION 4. IC 12-15-5-1, AS AMENDED BY P.L.210-2015, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:**

(1) Inpatient hospital services.

(2) Nursing facility services.

(3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.



- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services.
- (9) Prescribed laboratory and x-ray services.
- (10) Prescribed drugs and pharmacist services.
- (11) Eyeglasses and prosthetic devices.
- (12) Optometric services.
- (13) Diagnostic, screening, preventive, and rehabilitative services.
- (14) Podiatric medicine services.
- (15) Hospice services.
- (16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
- (17) Family planning services except the performance of abortions.
- (18) Nonmedical nursing care given in accordance with the tenets and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.
- (19) Services provided to individuals described in IC 12-15-2-8.
- (20) Services provided under IC 12-15-34 and IC 12-15-32.
- (21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.
- (22) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.
- (23) Examinations required under IC 16-41-17-2(a)(10).
- (24) Inpatient substance abuse detoxification services.

(25) Chronic pain management.

SECTION 5. IC 27-8-35.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

Chapter 35.5. Coverage for Chronic Pain Management

Sec. 1. As used in this chapter, "chronic pain" means pain that:

- (1) persists beyond the usual course of an acute disease or healing of an injury; or**
- (2) may be associated with an acute or chronic pathologic process that causes continuous or intermittent pain for a period of months or years.**

Sec. 2. As used in this chapter, "chronic pain management"



means evidence based health care products and services intended to relieve chronic pain that has lasted for at least three (3) months.

The term includes:

- (1) prescription drugs;
- (2) physical therapy;
- (3) occupational therapy;
- (4) chiropractic care;
- (5) osteopathic manipulative treatment; and
- (6) athletic trainer services.

Sec. 3. As used in this chapter, "insured" means an individual entitled to coverage under a policy of accident and sickness insurance.

Sec. 4. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. The term does not include the following:

- (1) Dental insurance.
- (2) A supplemental plan that always pays in addition to other coverage.

Sec. 5. A policy of accident and sickness insurance must provide coverage for medically necessary chronic pain management prescribed by an insured's treating practitioner.

Sec. 6. The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the policy of accident and sickness insurance.

SECTION 6. IC 27-13-7-24.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 24.5. (a) This section applies to each of the following:

- (1) An individual contract.
- (2) A group contract.
- (b) As used in this section, "chronic pain" means pain that:
 - (1) persists beyond the usual course of an acute disease or healing of an injury; or
 - (2) may be associated with an acute or chronic pathologic process that causes continuous or intermittent pain for a period of months or years.

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



The term includes:

- (1) prescription drugs;
- (2) physical therapy;
- (3) occupational therapy;
- (4) chiropractic care;
- (5) osteopathic manipulative treatment; and
- (6) athletic trainer services.

(d) An individual contract and a group contract must provide coverage for medically necessary chronic pain management prescribed by an enrollee's treating practitioner.

(e) The coverage required by this section may not be subject to annual or lifetime limitation, deductible, copayment, or coinsurance provisions that are more restrictive than the annual or lifetime limitation, deductible, copayment, or coinsurance provisions that apply generally under the individual contract or group contract.

SECTION 7. [EFFECTIVE JULY 1, 2019] (a) IC 5-10-8-22, as added by this act, applies to a state employee health plan that is established, entered into, amended, or renewed after June 30, 2019.

(b) IC 27-8-35.5, as added by this act, applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2019.

(c) IC 27-13-7-24.5, as added by this act, applies to an individual contract and a group contract that are entered into, delivered, amended, or renewed after June 30, 2019.

(d) The office of Medicaid policy and planning:

- (1) shall apply to the United States Department of Health and Human Services for any necessary amendment to the state Medicaid plan to provide coverage for chronic pain management as required by IC 12-15-5-1, as amended by this act;
- (2) may not implement the amendment until the office files an affidavit with the governor attesting that the amendment or waiver applied for under this SECTION is in effect;
- (3) shall, not more than five (5) days after the office is notified that the amendment is approved, file an affidavit described in subdivision (2) with the governor; and
- (4) shall implement the amendment not more than sixty (60) days after the governor receives the affidavit.

(e) This SECTION expires July 1, 2022.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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