



February 2, 2018

SENATE BILL No. 208

DIGEST OF SB 208 (Updated January 31, 2018 1:29 pm - DI 55)

Citations Affected: IC 16-18; IC 16-21; IC 25-22.5; IC 25-29; IC 27-8; IC 27-13.

Synopsis: Physician maintenance of certification. Prohibits a hospital from denying hospital staff or admitting privileges to a physician or podiatrist based solely on the decision of the physician or podiatrist not to participate in maintenance of certification. Specifies that the medical licensing statute and the podiatrist licensing statute do not require a licensed physician or licensed podiatrist to hold or maintain a board certification in a specialty medical area in order to practice. Prohibits an accident and sickness insurer from: (1) denying a physician or podiatrist the right to enter into a reimbursement agreement with the insurer; (2) denying a physician or podiatrist reimbursement for a covered service; or (3) setting reimbursement for services provided by a physician or podiatrist at a lower rate; based solely on the decision of the physician or podiatrist not to participate in maintenance of certification. Prohibits a health maintenance organization (HMO) from: (1) preventing a physician or podiatrist from entering into a participating provider contract with the HMO; (2) denying a physician or podiatrist reimbursement for a covered service; or (3) setting reimbursement for services provided by a physician or podiatrist at a lower rate; based solely on the decision of the physician or podiatrist not to participate in maintenance of certification.

Effective: July 1, 2018.

Brown L, Charbonneau, Becker

January 3, 2018, read first time and referred to Committee on Health and Provider Services.
February 1, 2018, amended, reported favorably — Do Pass.

SB 208—LS 6372/DI 104



February 2, 2018

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 208

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 16-18-2-214.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: **Sec. 214.9. "Maintenance of**
4 **certification", for purposes of IC 16-21-2-7.5, has the meaning set**
5 **forth in IC 16-21-2-7.5(a).**

6 SECTION 2. IC 16-21-2-7.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2018]: **Sec. 7.5. (a) As used in this section, "maintenance of**
9 **certification" means a continuous professional development**
10 **program through which a physician or podiatrist is certified to**
11 **maintain a specialty certification by at least one (1) medical**
12 **specialty board of the American Board of Medical Specialties or a**
13 **successor entity, the American Board of Foot and Ankle Surgery,**
14 **the American Board of Podiatric Medicine, the American Board of**
15 **Lower Extremity Surgery, or any other podiatric specialty**
16 **organization. The term does not include the following:**

17 (1) Any:

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1 (A) continuing medical education requirements by the
2 medical licensing board of Indiana under IC 25-22.5; or

3 (B) continuing podiatric medical education requirements
4 by the board of podiatric medicine under IC 25-29.

5 (2) Remedial or corrective courses or training required by a
6 quality improvement committee of a hospital.

7 (b) A hospital licensed under this article may not deny a
8 physician licensed under IC 25-22.5 or podiatrist licensed under
9 IC 25-29 hospital staff or admitting privileges based solely on the
10 physician's or podiatrist's decision not to participate in
11 maintenance of certification.

12 SECTION 3. IC 25-22.5-1-3 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2018]: **Sec. 3. Nothing in this article shall be construed to require
15 an individual licensed under this article to hold a board
16 certification or maintain a board certification in a specialty
17 medical area in order to practice medicine under this article.**

18 SECTION 4. IC 25-29-1-0.7 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2018]: **Sec. 0.7. Nothing in this article shall be construed to
21 require an individual licensed under this article to hold a board
22 certification in a specialty medical area in order to practice
23 podiatry under this article.**

24 SECTION 5. IC 27-8-11-3.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
26 1, 2018]: **Sec. 3.5. An insurer may not do any of the following
27 concerning a physician licensed under IC 25-22.5 or a podiatrist
28 licensed under IC 25-29 based solely on the physician's or
29 podiatrist's decision not to participate in maintenance of
30 certification (as defined in IC 16-21-2-7.5(a)):**

31 (1) Deny the physician or the podiatrist the right to enter into
32 an agreement with the insurer under section 3 of this chapter.

33 (2) Deny reimbursement to the physician or the podiatrist for
34 a covered health care service.

35 (3) Set reimbursement for health care services provided by
36 the physician or the podiatrist at a lower reimbursement rate
37 than reimbursement for a physician or a podiatrist who
38 participates in maintenance of certification.

39 SECTION 6. IC 27-13-15-4, AS ADDED BY P.L.74-2007,
40 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2018]: **Sec. 4. (a) As used in this section, "health maintenance
42 organization" includes the following:**



- 1 (1) A limited service health maintenance organization.
- 2 (2) A person that pays or administers claims on behalf of a health
- 3 maintenance organization or a limited service health maintenance
- 4 organization.
- 5 (b) An agreement between a health maintenance organization and
- 6 a participating provider under this chapter may not contain a provision
- 7 that:
- 8 (1) prohibits, or grants the health maintenance organization an
- 9 option to prohibit, the participating provider from contracting
- 10 with another health maintenance organization to accept lower
- 11 payment for health care services than the payment specified in the
- 12 agreement;
- 13 (2) requires, or grants the health maintenance organization an
- 14 option to require, the participating provider to accept a lower
- 15 payment from the health maintenance organization if the
- 16 participating provider agrees with another health maintenance
- 17 organization to accept lower payment for health care services;
- 18 (3) requires, or grants the health maintenance organization an
- 19 option of, termination or renegotiation of the agreement if the
- 20 participating provider agrees with another health maintenance
- 21 organization to accept lower payment for health care services; or
- 22 (4) requires the participating provider to disclose the participating
- 23 provider's reimbursement rates under contracts with other health
- 24 maintenance organizations.
- 25 (c) **A health maintenance organization may not do any of the**
- 26 **following concerning a physician licensed under IC 25-22.5 or a**
- 27 **podiatrist licensed under IC 25-29 based solely on the physician's**
- 28 **or podiatrist's decision not to participate in maintenance of**
- 29 **certification (as defined in IC 16-21-2-7.5(a)):**
- 30 (1) **Prevent a physician or a podiatrist from entering into a**
- 31 **participating provider contract with the health maintenance**
- 32 **organization.**
- 33 (2) **Deny reimbursement to the physician or the podiatrist for**
- 34 **a covered health care service.**
- 35 (3) **Set reimbursement for services provided by the physician**
- 36 **or the podiatrist at a lower reimbursement rate than the**
- 37 **reimbursement rate for a physician or a podiatrist who**
- 38 **participates in maintenance of certification.**
- 39 (e) (d) A contract provision that violates this section is void.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 208, 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 10, after "physician" insert "**or podiatrist**".

Page 1, line 12, delete "entity." and insert "**entity, the American Board of Foot and Ankle Surgery, the American Board of Podiatric Medicine, the American Board of Lower Extremity Surgery, or any other podiatric specialty organization.**".

Page 1, delete lines 14 through 15, begin a new line block indented and insert:

"(1) Any:

(A) continuing medical education requirements by the medical licensing board of Indiana under IC 25-22.5; or

(B) continuing podiatric medical education requirements by the board of podiatric medicine under IC 25-29."

Page 2, line 2, after "IC 25-22.5" insert "**or podiatrist licensed under IC 25-29**".

Page 2, line 3, after "physician's" insert "**or podiatrist's**".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 4. IC 25-29-1-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 0.7. Nothing in this article shall be construed to require an individual licensed under this article to hold a board certification in a specialty medical area in order to practice podiatry under this article.**".

Page 2, line 14, after "IC 25-22.5" insert "**or a podiatrist licensed under IC 25-29**".

Page 2, line 15, after "physician's" insert "**or podiatrist's**".

Page 2, line 17, after "physician" insert "**or the podiatrist**".

Page 2, line 19, after "physician" insert "**or the podiatrist**".

Page 2, line 22, after "physician" insert "**or the podiatrist**".

Page 2, line 23, after "physician" insert "**or a podiatrist**".

Page 3, line 12, after "IC 25-22.5" insert "**or a podiatrist licensed under IC 25-29**".

Page 3, line 13, after "physician's" insert "**or podiatrist's**".

Page 3, line 15, after "physician" insert "**or a podiatrist**".

Page 3, line 17, after "physician" insert "**or the podiatrist**".

Page 3, line 19, after "physician" insert "**or the podiatrist**".



Page 3, line 21, after "physician" insert "**or a podiatrist**".
Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 208 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 7, Nays 3.

