



January 28, 2022

SENATE BILL No. 392

DIGEST OF SB 392 (Updated January 26, 2022 1:13 pm - DI 133)

Citations Affected: IC 16-27.

Synopsis: Home health care associations. Provides that home health agencies may enter into cooperative agreements to carry out the following activities: (1) To form and operate, either directly or indirectly, one or more networks of home health agencies, hospitals, skilled nursing facilities, physicians, and other health care providers and to arrange for the provision of health care services through such networks. (2) To contract, either directly or through such networks, with the office of the secretary of family and social services, or the office's contractors to provide: (A) services to Medicaid beneficiaries; and (B) health care services in an efficient and cost effective manner on a prepaid, capitation, or other reimbursement basis. (3) To undertake other managed health care activities. Provides that a home health agency may authorize an association, corporation, or other person to undertake or effectuate any of these activities. Requires the secretary of family and social services to oversee and supervise these activities.

Effective: July 1, 2022.

Becker, Leising

January 11, 2022, read first time and referred to Committee on Health and Provider Services.
January 27, 2022, reported favorably — Do Pass.

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January 28, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 392

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 16-27-5 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2022]:

4 **Chapter 5. Home Health Agency Cooperative Agreements**

5 **Sec. 1. (a) It is the public policy of Indiana to facilitate the**
6 **provision of quality, cost-efficient health care services to its**
7 **residents.**

8 **(b) The general assembly recognizes the importance and**
9 **necessity of home health services and home health agencies to**
10 **promote and protect the public's general health, safety, and**
11 **welfare.**

12 **(c) The general assembly finds it necessary and appropriate to**
13 **encourage home health agencies to cooperate and enter into**
14 **agreements that will facilitate improved quality of care and**
15 **increase access to home health services.**

16 **(d) The general assembly believes it is in Indiana's best interest**
17 **to supplant state and federal antitrust laws with a process**

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1 described in this chapter and with active supervision by the
2 secretary as provided in this chapter.

3 (e) It is the intent of the general assembly that this chapter
4 immunize, to the fullest extent possible, from all federal and state
5 antitrust laws all actions approved and supervised under this
6 chapter.

7 Sec. 2. The definitions in IC 16-27-1 apply throughout this
8 chapter.

9 Sec. 3. As used in this chapter, "office" refers to the office of the
10 secretary of family and social services established by IC 12-8-1.5-1.

11 Sec. 4. As used in this chapter, "secretary" refers to the
12 secretary of family and social services appointed under
13 IC 12-8-1.5-2.

14 Sec. 5. Home health agencies may enter into cooperative
15 agreements to carry out the following activities:

16 (1) To form and operate, either directly or indirectly, one (1)
17 or more networks of home health agencies, hospitals, skilled
18 nursing facilities, physicians, and other health care providers
19 and to arrange for the provision of health care services
20 through such networks.

21 (2) To contract, either directly or through such networks, with
22 the office, or the office's contractors, to provide:

23 (A) services to Medicaid beneficiaries; and

24 (B) health care services in an efficient and cost effective
25 manner on a prepaid, capitation, or other reimbursement
26 basis.

27 (3) To undertake other managed health care activities.

28 Sec. 6. (a) Any health care provider licensed under this title or
29 IC 25 may apply to become a participating provider in the
30 networks described in this chapter provided the services the
31 provider contracts for are within the lawful scope of the provider's
32 practice.

33 (b) This section does not require a plan or network to provide
34 coverage for any specific health care service.

35 Sec. 7. A home health agency may authorize any of the
36 following, or any combination of the following, to undertake or
37 effectuate any of the activities identified in this chapter:

38 (1) The Indiana Association for Home and Hospice Care, Inc.

39 (2) Any subsidiary of the corporation named in subdivision

40 (1).

41 (3) Any other association, corporation, or other person
42 approved by the secretary.



1 **Sec. 8. The secretary or the secretary's designee shall supervise**
2 **and oversee the activities described in this chapter and may take**
3 **the following actions:**

4 **(1) Gather relevant facts, collect data, conduct public**
5 **hearings, invite and receive public comments, investigate**
6 **market conditions, conduct studies, and review documentary**
7 **evidence or require the home health agencies or their third**
8 **party designee to do the same.**

9 **(2) Evaluate the substantive merits of any action to be taken**
10 **by the home health agencies and assess whether the action**
11 **comports with the standards established by the general**
12 **assembly.**

13 **(3) Issue written decisions approving, modifying, or**
14 **disapproving the recommended action, and explaining the**
15 **reasons and rationale for the decision.**

16 **(4) Require home health agencies or their third party**
17 **designees to report annually on the extent of the benefits**
18 **realized by the actions taken under this chapter.**

19 **Sec. 9. The secretary may adopt rules under IC 4-22-2 to**
20 **implement this chapter.**



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 392, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 392 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 12, Nays 0

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