



 **EMPLOYERS' FORUM OF INDIANA**  
Addressing the challenges of the local healthcare marketplace

# 2023 Indiana Healthcare Policy Review

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# HB1004: Health Care Matters (Rep. Schaibley) as of 4-11-23

<https://iga.in.gov/legislative/2023/bills/house/1004>

1. Requires all hospitals to submit **2022 utilization & financial information** to the Department of Health. Establishes a daily fine of \$1000. Expires 12-31-23.
  2. Non-profit definition just for this = excludes government, county, critical access, and independent hospitals.
  3. Requires all nonprofit hospital system to submit **2023 price information to the department of insurance by 3-1-24**
  4. Before 11-1-25, and before November 1 each subsequent year, requires the department to compare certain Indiana nonprofit hospital system facility pricing information with **260% of Medicare**.
  5. Requires the department beginning 11-1-26 **to assess a penalty against** an Indiana nonprofit hospital system if the Indiana nonprofit hospital system exceeds the specified targeted percentage of Medicare, which shall be redetermined every odd-year.
  6. Establishes the **Payer Affordability Penalty Fund** for specified hospital penalties to be used for the state's share of the costs of the healthy Indiana Plan.
  7. Prohibits any proposed adjusted rate to be implemented until reviewed by the budget committee.
  8. Requires a third party administrator, insurer, or HMO that has contracted with a person to administer a self-funded insurance plan to provide claims data to the person not later than 14 days from a request for the data.
- **Next Step:** heard in Senate Appropriations Committee 4-12-23 where amendments could be added

# SB7: Physician Noncompete Agreements (Sen. Busch) as of 4-11-23

<https://iga.in.gov/legislative/2023/bills/senate/7>

- Heard in House Employment, Labor, and Pension Committee on April 11, 2023 and passed 7-4.
  1. Amendment #12 added: **Beginning 7-1-23, a physician non-compete agreement is NOT enforceable if any of the following circumstances occur:**
    - (a) the employer terminates the physicians' employment without cause
    - (b) the physician terminates the physicians' employment agreement for cause
    - (c) the physician employer contract has expired and the physician and employer have fulfilled the obligations of the contracts.
  2. Non-competes entered after 7-1-23: a physician and an employer may not enter into a noncompete. Specifies a medication process by which a physician or employer may pursue to determine a reasonable price to purchase a release from a non-compete agreement.
  3. A Chair amendment was also added on 4-11-23, but it is not available for review at this time.
- **Next Step:** If Senator Busch concurs and the Senate approves the concurrence, then SB7 goes to Governor's desk for signature into law. If not, then it could go to conference committee where edits are negotiated.

# SB8: Prescription Drug Rebates and Spread Pricing (Sen. Charbonneau) as of 4-11-23

<https://iga.in.gov/legislative/2023/bills/senate/8>

1. Effective 7-1-23, requires a PBM to report to the DOI:
  - a. aggregate amount charged to all insurers and each insurer
  - b. aggregate amount paid to pharmacies to all insurers and each insurer
2. Provides that, beginning January 1, 2025 for individual health insurance coverage and group health insurance coverage, an insurer shall do one of the following:
  - a. Apply 100% of the rebates to reduce premiums for all covered individuals equally,
  - b. Calculate defined cost sharing for a covered individual at the point of sale based on a price that is reduced by an amount equal to at least 85% of all rebates received by the insurer concerning the dispensing or administration of the covered individual's prescription drugs.
  - c. DOI may issue a penalty of up to \$10,000 per violation
3. Allows the department of insurance to enforce the provisions and impose a civil penalty.

• **Next Step: amendment to be heard on 4-11-12**

# SB6: Health Care Billing Forms (Sen. Charbonneau): Prohibiting Unwarranted Facility Fees

<https://iga.in.gov/legislative/2023/bills/senate/6>

1. Provides that a bill for health care services provided by a provider in an office setting must be submitted on an individual provider form. No billing on a facility fee form is permitted.
  2. Prohibits an insurer, health maintenance organization, employer, or other person responsible for the payment of the cost of health care services from accepting a bill that is submitted on an institutional provider form.
- **Next Step:** did not receive a hearing by April 11<sup>th</sup>, thus the bill is DEAD.....but....the language could be resurrected in another bill.

Thus, it's not over until Sine Die which is 4-29-23!

# Upcoming Indiana Legislative Deadlines or 2023

## House of Representatives

- *Committee Report Deadline: April 11*
- Second Reading Deadline: April 13
- Third Reading Deadline: April 17

## Senate

- Committee Report Deadline: April 13
- Second Reading Deadline: April 17
- Third Reading Deadline: April 18

# Indiana APCD Submitter Registration Due April 28

- The rules and regulations governing the Indiana All-Payer Claims Database require any **insurer, third-party administrator (TPA), pharmacy benefits manager (PBM), or carve-out payer** that meets the following criteria to register with and submit data to Onpoint Health Data, the contracted data collection, integration, and analytics vendor supporting the State's initiative:
  - A health payer conducting health insurance-related business for a total of 3,000 or more Indiana residents as of December 31 of the prior calendar year
  - An insurance company who does not qualify as a required submitter in accordance with Indiana Code 27-1-44.5-2 but who has opted in to sending data to the Indiana APCD voluntarily
- Link for Registration: <https://in-registration.onpointhealthdata.org/>
  - A PDF registration form is also available

# Upcoming Webinar for APCD Data Submission

- Overview of the Claims Data Manager (Onpoint CDM) and Data Submission Best Practices
  - April 25, 2023 from 1-2pm ET
- Agenda:
  - Overview of the Claims Data Manager (CDM)
  - CDM portal demonstration
  - Review data submission best practices
  - Review Indiana APCD frequently asked questions
  - Implementation timeline reminders
  - Questions?
- Meeting Registration: [https://us02web.zoom.us/meeting/register/tZYqc-qopjwvH9JQ\\_BLyJGaBX4-YkcuekE-b](https://us02web.zoom.us/meeting/register/tZYqc-qopjwvH9JQ_BLyJGaBX4-YkcuekE-b)