



February 18, 2022

ENGROSSED HOUSE BILL No. 1296

DIGEST OF HB 1296 (Updated February 16, 2022 11:50 am - DI 55)

Citations Affected: Noncode.

Synopsis: Interim study of MEWAs and employee medical claims. Urges the legislative council to assign to an appropriate interim study committee the task of: (1) considering legislation requiring an entity paying the medical claims of an employer's employees on behalf of the employer to provide to the employer access to claims data relating to the medical claims of the employer's employees and to provide to an employee access to claims data relating to the medical claims of the employee and the employee's dependents; (2) considering whether current Indiana law is sufficient to ensure transparency in the operations of multiple employer welfare arrangements (MEWAs); and (3) studying the difficulties an employer may encounter when beginning or attempting to discontinue participation in a MEWA.

Effective: Upon passage.

Carbaugh

(SENATE SPONSOR — FORD JON)

January 10, 2022, read first time and referred to Committee on Financial Institutions and Insurance.

January 24, 2022, amended, reported — Do Pass.

January 26, 2022, read second time, ordered engrossed. Engrossed.

January 31, 2022, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 8, 2022, read first time and referred to Committee on Insurance and Financial Institutions.

February 17, 2022, amended, reported favorably — Do Pass.

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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.

ENGROSSED HOUSE BILL No. 1296

A BILL FOR AN ACT concerning insurance.

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

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this
2 SECTION, "multiple employer welfare arrangement" has the
3 meaning set forth in IC 27-1-34-1(b).
4 (b) The legislative council is urged to assign to an appropriate
5 interim study committee the task of studying multiple employer
6 welfare arrangements and other arrangements for the payment of
7 employee medical claims on behalf of an employer. An interim
8 study committee assigned a study under this SECTION:
9 (1) shall consider legislation requiring an entity paying the
10 medical claims of an employer's employees on behalf of the
11 employer:
12 (A) to provide to the employer access to claims data
13 relating to the medical claims of the employer's employees;
14 and
15 (B) to provide to an employee access to claims data relating
16 to the medical claims of the employee and the employee's
17 dependents;
18 (2) shall consider whether current Indiana law is sufficient to

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1 **ensure transparency in the operations of multiple employer**
2 **welfare arrangements;**
3 **(3) shall study the difficulties an employer may encounter**
4 **when beginning or attempting to discontinue participation in**
5 **a multiple employer welfare arrangement; and**
6 **(4) may consider other topics concerning multiple employer**
7 **welfare arrangements.**
8 **(c) This SECTION expires January 1, 2023.**
9 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete page 2.

Page 3, delete lines 1 through 5.

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 4. IC 27-1-44.5-2, AS AMENDED BY P.L.195-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "health payer" includes the following:

- (1) Medicare.
- (2) Medicaid or a managed care organization (as defined in IC 12-7-2-126.9) that has contracted with Medicaid to provide services to a Medicaid recipient.
- (3) An insurer that issues a policy of accident and sickness insurance (as defined in IC 27-8-5-1), except for the following types of coverage:
 - (A) Accident only, credit, dental, vision, ~~Medicare supplement~~, long term care, or disability income insurance.
 - (B) Coverage issued as a supplement to liability insurance.
 - (C) Automobile medical payment insurance.
 - (D) A specified disease policy.
 - (E) A policy that provides indemnity benefits not based on any expense incurred requirements, including a plan that provides coverage for:
 - (i) hospital confinement, critical illness, or intensive care; or
 - (ii) gaps for deductibles or copayments.
 - (F) Worker's compensation or similar insurance.
 - (G) A student health plan.
 - (H) A supplemental plan that always pays in addition to other coverage.
 - ~~(I) An employer sponsored health benefit plan that is:

 - (i) provided to individuals who are eligible for Medicare; and
 - (ii) not marketed as, or held out to be, a Medicare supplement policy.~~
- (4) A health maintenance organization (as defined in IC 27-13-1-19).
- (5) A pharmacy benefit manager (as defined in IC 27-1-24.5-12).



(6) An administrator (as defined in IC 27-1-25-1).

(7) A multiple employer welfare arrangement (as defined in IC 27-1-34-1).

~~(7)~~ **(8)** Any other person identified by the commissioner for participation in the data base described in this chapter."

Page 10, delete lines 8 through 30.

Page 10, after line 30, begin a new paragraph and insert:

"SECTION 6. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1296 as introduced.)

CARBAUGH

Committee Vote: yeas 11, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred House Bill No. 1296, 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:

Delete the title and insert the following:

A BILL FOR AN ACT concerning insurance.

Page 1, delete lines 1 through 17.

Delete pages 2 through 8.

Page 9, delete lines 1 through 40, begin a new paragraph and insert:

"SECTION 1. [EFFECTIVE UPON PASSAGE] **(a) As used in this SECTION, "multiple employer welfare arrangement" has the meaning set forth in IC 27-1-34-1(b).**

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying multiple employer welfare arrangements and other arrangements for the payment of employee medical claims on behalf of an employer. An interim study committee assigned a study under this SECTION:

(1) shall consider legislation requiring an entity paying the medical claims of an employer's employees on behalf of the

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employer:

(A) to provide to the employer access to claims data relating to the medical claims of the employer's employees; and

(B) to provide to an employee access to claims data relating to the medical claims of the employee and the employee's dependents;

(2) shall consider whether current Indiana law is sufficient to ensure transparency in the operations of multiple employer welfare arrangements;

(3) shall study the difficulties an employer may encounter when beginning or attempting to discontinue participation in a multiple employer welfare arrangement; and

(4) may consider other topics concerning multiple employer welfare arrangements.

(c) This SECTION expires January 1, 2023."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1296 as printed January 24, 2022.)

ZAY, Chairperson

Committee Vote: Yeas 7, Nays 1.

