



March 26, 1999

ENGROSSED HOUSE BILL No. 1951

DIGEST OF HB 1951 (Updated March 25, 1999 2:50 pm - DI 88)

Citations Affected: IC 5-10; IC 27-8; IC 27-13; noncode.

Synopsis: Dental anesthesia. Requires state employee health plans, health insurance policies, and health maintenance organizations that provide coverage for certain health care services to provide coverage for certain anesthesia and hospital charges for dental procedures for individuals who are less than 19 years of age and individuals with disabilities. Provides that the coverage does not apply to temporal mandibular joint disorders.

Effective: July 1, 1999.

Welch, Brown C, Becker, Whetstone

(SENATE SPONSORS — WYSS, CRAYCRAFT, ALTING)

January 27, 1999, read first time and referred to Committee on Insurance, Corporations and Small Business.
February 16, 1999, amended, reported — Do Pass.
March 1, 1999, read second time, ordered engrossed. Engrossed.
March 3, 1999, read third time, passed. Yeas 66, nays 31.

SENATE ACTION

March 8, 1999, read first time and referred to Committee on Health and Provider Services.
March 25, 1999, amended, reported favorably — Do Pass.

C
O
P
Y

EH 1951—LS 7909/DI 77+



March 26, 1999

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1951

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

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

- 1 SECTION 1. IC 5-10-8-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 10. (a) As used in this section, "child" means an**
4 **individual who is less than nineteen (19) years of age.**
5 **(b) As used in this section, "covered individual" means a child**
6 **or an individual:**
7 **(1) with a physical or mental impairment that substantially**
8 **limits one (1) or more of the major life activities of the**
9 **individual; or**
10 **(2) who:**
11 **(A) has a record of; or**
12 **(B) is regarded as;**
13 **having an impairment described in subdivision (1).**
14 **(c) If the state enters into a contract for basic health care**
15 **services (as defined in IC 27-13-1-4) through prepaid health care**
16 **delivery plans, medical self-insurance, or group health insurance**

EH 1951—LS 7909/DI 77+



C
O
P
Y

1 for state employees, the contract must include coverage for
 2 anesthesia and hospital charges for dental care for a covered
 3 individual if the mental or physical condition of the covered
 4 individual requires dental treatment to be rendered in a hospital
 5 or an ambulatory outpatient surgical center. The Indications for
 6 General Anesthesia, as published in the reference manual of the
 7 American Academy of Pediatric Dentistry, are the utilization
 8 standards for determining whether performing dental procedures
 9 necessary to treat the covered individual's condition under general
 10 anesthesia constitutes appropriate treatment.

11 (d) A health care contractor that issues a contract for basic
 12 health care services as described in subsection (c) may:

13 (1) require prior authorization for hospitalization or
 14 treatment in an ambulatory outpatient surgical center for
 15 dental care procedures in the same manner that prior
 16 authorization is required for hospitalization or treatment of
 17 other covered medical conditions; and

18 (2) restrict coverage to include only procedures performed by
 19 a licensed dentist who has privileges at the hospital or
 20 ambulatory outpatient surgical center.

21 (e) This section does not apply to treatment rendered for
 22 temporal mandibular joint disorders (TMJ).

23 SECTION 2. IC 27-8-5-27 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1999]: Sec. 27. (a) As used in this section, "accident and sickness
 26 insurance policy" means an insurance policy that provides at least
 27 one (1) of the types of insurance described in IC 27-1-5-1, Classes
 28 1(b) and 2(a), and is issued on a group basis. The term does not
 29 include the following:

30 (1) Accident only, credit, dental, vision, Medicare, Medicare
 31 supplement, long term care, or disability income insurance.

32 (2) Coverage issued as a supplement to liability insurance.

33 (3) Automobile medical payment insurance.

34 (4) A specified disease policy.

35 (5) A limited benefit health insurance policy.

36 (6) A short term insurance plan that:

37 (A) may not be renewed; and

38 (B) has a duration of not more than six (6) months.

39 (7) A policy that provides a stipulated daily, weekly, or
 40 monthly payment to an insured during hospital confinement,
 41 without regard to the actual expense of the confinement.

42 (8) Worker's compensation or similar insurance.



C
O
P
Y

- 1 **(9) A student health insurance policy.**
 2 **(b) As used in this section, "insured" means a child or an**
 3 **individual with a disability who is entitled to coverage under an**
 4 **accident and sickness insurance policy.**
 5 **(c) As used in this section, "child" means an individual who is**
 6 **less than nineteen (19) years of age.**
 7 **(d) As used in this section, "individual with a disability" means**
 8 **an individual:**
 9 **(1) with a physical or mental impairment that substantially**
 10 **limits one (1) or more of the major life activities of the**
 11 **individual; and**
 12 **(2) who:**
 13 **(A) has a record of; or**
 14 **(B) is regarded as;**
 15 **having an impairment described in subdivision (1).**
 16 **(e) A policy of accident and sickness insurance must include**
 17 **coverage for anesthesia and hospital charges for dental care for an**
 18 **insured if the mental or physical condition of the insured requires**
 19 **dental treatment to be rendered in a hospital or an ambulatory**
 20 **outpatient surgical center. The Indications for General Anesthesia,**
 21 **as published in the reference manual of the American Academy of**
 22 **Pediatric Dentistry, are the utilization standards for determining**
 23 **whether performing dental procedures necessary to treat the**
 24 **insured's condition under general anesthesia constitutes**
 25 **appropriate treatment.**
 26 **(f) An insurer that issues a policy of accident and sickness**
 27 **insurance may:**
 28 **(1) require prior authorization for hospitalization or**
 29 **treatment in an ambulatory outpatient surgical center for**
 30 **dental care procedures in the same manner that prior**
 31 **authorization is required for hospitalization or treatment of**
 32 **other covered medical conditions; and**
 33 **(2) restrict coverage to include only procedures performed by**
 34 **a licensed dentist who has privileges at the hospital or**
 35 **ambulatory outpatient surgical center.**
 36 **(g) This section does not apply to treatment rendered for**
 37 **temporal mandibular joint disorders (TMJ).**
 38 **SECTION 3. IC 27-13-7-15 IS ADDED TO THE INDIANA CODE**
 39 **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 40 **1, 1999]: Sec. 15. (a) As used in this section, "child" means an**
 41 **individual who is less than nineteen (19) years of age.**
 42 **(b) As used in this section, "enrollee" means an enrollee who is**

C
O
P
Y

- 1 a child or an individual:
- 2 (1) with a physical or mental impairment that substantially
- 3 limits one (1) or more of the major life activities of the
- 4 individual; and
- 5 (2) who:
- 6 (A) has a record of; or
- 7 (B) is regarded as;
- 8 having an impairment described in subdivision (1).
- 9 (c) A health maintenance organization that provides basic
- 10 health care services shall include coverage under the terms and
- 11 conditions of the benefits contract for anesthesia and hospital
- 12 charges for an enrollee for dental care if the mental or physical
- 13 condition of the enrollee requires dental treatment to be rendered
- 14 in a hospital or an ambulatory outpatient surgical center. The
- 15 Indications for General Anesthesia, as published in the reference
- 16 manual of the American Academy of Pediatric Dentistry, are the
- 17 utilization standards for determining whether performing dental
- 18 procedures necessary to treat the enrollee's condition under
- 19 general anesthesia constitutes appropriate treatment.
- 20 (d) A health maintenance organization may:
- 21 (1) require prior authorization for hospitalization or
- 22 treatment in an ambulatory outpatient surgical center for
- 23 dental care procedures in the same manner that prior
- 24 authorization is required for hospitalization or treatment of
- 25 other covered medical conditions; and
- 26 (2) restrict coverage to include only procedures performed by
- 27 a licensed dentist who has privileges at the hospital or
- 28 ambulatory outpatient surgical center.
- 29 (e) This section does not apply to treatment rendered for
- 30 temporal mandibular joint disorders (TMJ).
- 31 SECTION 4. [EFFECTIVE JULY 1, 1999] (a) IC 5-10-8-10, as
- 32 added by this act, applies to a contract for basic health care
- 33 services (as defined in IC 27-13-1-4) through prepaid health care
- 34 delivery plans, medical self-insurance, or group medical coverage
- 35 for state employees that is issued, entered into, or renewed after
- 36 June 30, 1999.
- 37 (b) This SECTION expires July 1, 2000.

C
O
P
Y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1951, 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:

Page 1, line 3, after "10." insert **"(a) As used in this section, "child" means an individual who is less than nineteen (19) years of age.**

(b) As used in this section, "individual with a disability" means an individual:

(1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; or

(2) who:

(A) has a record of; or

(B) is regarded as;

having an impairment described in subdivision (1)."

Page 1, line 3, delete "(a)", begin a new paragraph and insert "(c)".

Page 1, line 3, after "for" insert **"basic"**.

Page 1, line 3, after "health" insert **"care"**.

Page 1, line 4, after "services" insert **"(as defined in IC 27-13-1-4)"**.

Page 1, line 7, after "care" insert **"for a child or for an individual with a disability"**.

Page 1, line 9, delete "setting." and insert **"or an ambulatory outpatient surgical center."**

Page 1, line 14, delete "(b)" and insert **"(d)"**.

Page 1, line 14, delete "(a)" and insert **"(c)"**.

Page 1, line 15, after "hospitalization" insert **"or treatment in an ambulatory outpatient surgical center"**.

Page 1, line 17, after "hospitalization" insert **"or treatment"**.

Page 2, line 3, delete "hospital".

Page 2, line 3, after "privileges" insert **"at the hospital or ambulatory outpatient surgical center"**.

Page 2, line 4, delete "(c)" and insert **"(e)"**.

Page 2, line 6, delete "(d)" and insert **"(f)"**.

Page 2, line 6, after "for" insert **"basic"**.

Page 2, line 6, after "health" insert **"care"**.

Page 2, line 6, after "services" insert **"(as defined in IC 27-13-1-4)"**.

Page 2, line 12, after "27." insert **"(a) As used in this section, "accident and sickness insurance policy" means an insurance policy that provides at least one (1) of the types of insurance described in IC 27-1-5-1, Classes 1(b) and 2(a), and is issued on a**

EH 1951—LS 7909/DI 77+



C
O
P
Y

group basis. The term does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Automobile medical payment insurance.
- (4) A specified disease policy.
- (5) A limited benefit health insurance policy.
- (6) A short term insurance plan that:
 - (A) may not be renewed; and
 - (B) has a duration of not more than six (6) months.
- (7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.
- (8) Worker's compensation or similar insurance.
- (9) A student health insurance policy.

(b) As used in this section, "insured" means a child or an individual with a disability who is entitled to coverage under an accident and sickness insurance policy.

(c) As used in this section, "child" means an individual who is less than nineteen (19) years of age.

(d) As used in this section, "individual with a disability" means an individual:

- (1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; and
- (2) who:
 - (A) has a record of; or
 - (B) is regarded as;
 having an impairment described in subdivision (1)".

Page 2, line 12, delete "(a)", begin a new paragraph and insert "(e)".

Page 2, line 14, after "care" insert "**for a child or for an individual with a disability**".

Page 2, line 14, delete "covered" and insert "**insured**".

Page 2, line 15, delete "individual".

Page 2, line 16, delete "setting." and insert "**or an ambulatory outpatient surgical center.**".

Page 2, line 19, delete "patient's" and insert "**insured's**".

Page 2, line 21, delete "(b)" and insert "**(f)**".

Page 2, line 23, after "hospitalization" insert "**or treatment in an ambulatory outpatient surgical center**".

Page 2, line 25, after "hospitalization" insert "**or treatment**".

Page 2, line 28, delete "hospital".



C
O
P
Y

Page 2, line 28, after "privileges" insert "**at the hospital or ambulatory outpatient surgical center**".

Page 2, line 29, delete "(c)" and insert "(g)".

Page 2, line 33, after "15." insert "**(a) As used in this section, "child" means an enrollee who is less than nineteen (19) years of age.**

(b) As used in this section, "individual with a disability" means an enrollee:

(1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the enrollee; and

(2) who:

(A) has a record of; or

(B) is regarded as;

having an impairment described in subdivision (1)."

Page 2, line 33, delete "(a)", begin a new paragraph and insert "(c)".

Page 2, line 33, after "organization" insert "**that provides basic health care services**".

Page 2, line 34, after "coverage" insert "**under the terms and conditions of the benefits contract**".

Page 2, line 34, after "charges" insert "**for a child or an individual with a disability**".

Page 2, line 35, delete "covered individual" and insert "**enrollee**".

Page 2, line 36, delete "setting." and insert "**or an ambulatory outpatient surgical center.**".

Page 2, line 40, delete "patient's" and insert "**enrollee's**".

Page 2, line 42, delete "(b)" and insert "**(d)**".

Page 3, line 1, after "hospitalization" insert "**or treatment in an ambulatory outpatient surgical center**".

Page 3, line 3, after "hospitalization" insert "**or treatment**".

Page 3, line 6, delete "hospital".

Page 3, line 6, after "privileges" insert "**at the hospital or ambulatory outpatient surgical center**".

Page 3, line 7, delete "(c)" and insert "**(e)**".

and when so amended that said bill do pass.

(Reference is to HB 1951 as introduced.)

FRY, Chair

Committee Vote: yeas 8, nays 2.

EH 1951—LS 7909/DI 77+



C
O
P
Y

COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1951, 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 5, delete "individual with a disability" and insert "**covered individual**".

Page 1, line 5, after "means" insert "**a child or**".

Page 2, line 1, delete "child or for an" and insert "**covered individual**".

Page 2, line 2, delete "individual with a disability".

Page 2, line 8, delete "patient's" and insert "**covered individual's**".

Page 2, line 10, after "contractor" insert "**that issues a contract for basic health care services as**".

Page 2, line 20, delete "(TMJ) disorders" and insert "**joint disorders (TMJ)**".

Page 2, delete lines 21 through 25.

Page 2, line 33, after "vision," insert "**Medicare,**".

Page 3, line 20, delete "a" and insert "**an insured**".

Page 3, line 21, delete "child or for an individual with a disability".

Page 3, line 29, delete "who" and insert "**that**".

Page 3, line 40, delete "(TMJ) disorders" and insert "**joint disorders (TMJ)**".

Page 4, line 2, delete "enrollee" and insert "**individual**".

Page 4, line 3, delete "individual with a disability" and insert "**enrollee**".

Page 4, line 3, after "means" insert "**an enrollee who is a child or an individual:**".

Page 4, delete line 4.

Page 4, line 7, delete "enrollee" and insert "**individual**".

Page 4, line 15, delete "a child or an individual with a disability" and insert "**an enrollee**".

Page 4, line 34, delete "(TMJ) disorders" and insert "**joint disorders (TMJ)**".

Page 4, after line 34, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 1999] (a) **IC 5-10-8-10, as added by this act, applies to a contract for basic health care services (as defined in IC 27-13-1-4) through prepaid health care delivery plans, medical self-insurance, or group medical coverage for state employees that is issued, entered into, or renewed after**



C
O
P
Y

June 30, 1999.

(b) This SECTION expires July 1, 2000."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1951 as printed February 17, 1999.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

C
o
p
y

