



Reprinted  
April 6, 1999

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## ENGROSSED SENATE BILL No. 133

DIGEST OF SB 133 (Updated April 5, 1999 2:46 pm - DI 88)

**Citations Affected:** IC 12-15.

**Synopsis:** Medicaid physician services. Extends for two years a statute requiring that, under the Medicaid primary care case management program, physician services provided to a program enrollee in a hospital emergency department must be at a rate of 100% of rates payable under the Medicaid fee structure, if the service is authorized by the enrollee's primary medical provider. Provides that the office of Medicaid policy and planning has a lien against a person who is liable for damages allegedly caused by the person to another person only in the amount of the medical expenses incurred by the other person.

**Effective:** July 1, 1999.

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### Miller

(HOUSE SPONSORS — BROWN C, GOEGLEIN, HASLER)

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January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

February 11, 1999, amended; reassigned to Committee on Health and Provider Services.

February 25, 1999, reported favorably — Do Pass.

March 1, 1999, read second time, ordered engrossed.

March 2, 1999, engrossed.

March 3, 1999, read third time, passed. Yeas 48, nays 1.

#### HOUSE ACTION

March 8, 1999, read first time and referred to Committee on Ways and Means.

March 25, 1999, reported — Do Pass.

March 29, 1999, read second time, ordered engrossed. Engrossed.

April 5, 1999, read third time, placed back on second reading; reread second time, amended, ordered engrossed.

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ES 133—LS 6769/DI 13+



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April 6, 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 SENATE BILL No. 133

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

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

1 SECTION 1. IC 12-15-15-2.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.5. (a) Payment for  
3 physician services provided in the emergency department of a hospital  
4 licensed under IC 16-21 must be at a rate of one hundred percent  
5 (100%) of rates payable under the Medicaid fee structure.

6 (b) The payment under subsection (a) must be calculated using the  
7 same methodology used for all other physicians participating in the  
8 Medicaid program.

9 (c) Physicians must be reimbursed for federally required medical  
10 screening exams using the Current Procedural Terminology (CPT)  
11 codes 99281, 99282, or 99283 described in the Current Procedural  
12 Terminology Manual published annually by the American Medical  
13 Association, without authorization by the enrollee's primary medical  
14 provider.

15 (d) Payment for all other physician services provided in an  
16 emergency department of a hospital to enrollees in the Medicaid

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1 Primary Care Case Management program must be at a rate of one  
2 hundred percent (100%) of the Medicaid fee structure rates, provided  
3 the service is authorized, prospectively or retrospectively, by the  
4 enrollee's primary medical provider.

5 (e) This section does not apply to a person enrolled in the Medicaid  
6 Risk-Based Managed Care program.

7 (f) This section expires July 1, ~~1999~~ **2001**.

8 SECTION 2. IC 12-15-8-1 IS AMENDED TO READ AS  
9 FOLLOWS[EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever:

10 (1) the office pays medical expenses for or on behalf of a person  
11 who has been injured or has suffered an illness or a disease as a  
12 result of the negligence or act of another person; and

13 (2) the injured or diseased person asserts a claim against the other  
14 person for damages resulting from the injury, illness, or disease;

15 the office has a lien against the other person, ~~to the extent of in~~ the  
16 amount **of that** paid by the office **to the extent of the other person's**  
17 **liability for those medical expenses** on any recovery under the claim  
18 ~~; . whether by judgment, compromise, or settlement. Whenever the~~  
19 **existence or extent of liability of the other person for medical**  
20 **expenses is disputed in a compromise or settlement of a claim**  
21 **against the other person, the lien on any recovery by compromise**  
22 **or settlement shall exist only for that portion of the medical**  
23 **expenses equal to the portion that the recovery is of the whole**  
24 **recovery of damages.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 133, 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 everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

(Reference is to SB 133 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 133, 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 made to Senate Bill 133 as printed February 12, 1999.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 24, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Senate Bill 133 be returned to the second reading calendar forthwith for the purpose of amendment.

BROWN C

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 133 be amended to read as follows:

Page 2, after line 7, begin a new paragraph and insert:

"SECTION 2. IC 12-15-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever:

- (1) the office pays medical expenses for or on behalf of a person who has been injured or has suffered an illness or a disease as a result of the negligence or act of another person; and
- (2) the injured or diseased person asserts a claim against the other person for damages resulting from the injury, illness, or disease; the office has a lien against the other person, ~~to the extent of~~ **in** the amount **of that** paid by the office **to the extent of the other person's liability for those medical expenses** on any recovery under the claim ~~; . whether by judgment, compromise, or settlement.~~ **Whenever the existence or extent of liability of the other person for medical expenses is disputed in a compromise or settlement of a claim against the other person, the lien on any recovery by compromise or settlement shall exist only for that portion of the medical expenses equal to the portion that the recovery is of the whole recovery of damages."**

(Reference is to ESB133 as printed March 26, 1999.)

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