

|                    |                     |
|--------------------|---------------------|
| PREVAILED          | Roll Call No. _____ |
| FAILED             | Ayes _____          |
| WITHDRAWN          | Noes _____          |
| RULED OUT OF ORDER |                     |

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 266 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-10-8-7.7, AS AMENDED BY P.L.196-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2006]: Sec. 7.7. (a) As used in this section, "covered
- 6 individual" means an individual who is covered under a health care
- 7 plan.
- 8 (b) As used in this section, "health care plan" means:
- 9 (1) a self-insurance program established under section 7(b) of this
- 10 chapter to provide group health coverage; or
- 11 (2) a contract entered into under section 7(c) of this chapter to
- 12 provide health services through a prepaid health care delivery
- 13 plan.
- 14 (c) As used in this section, "health care provider" means a:
- 15 (1) physician licensed under IC 25-22.5; or
- 16 (2) hospital licensed under IC 16-21;
- 17 that provides health care services for surgical treatment of morbid
- 18 obesity.
- 19 (d) As used in this section, "morbid obesity" means:
- 20 (1) a body mass index of at least thirty-five (35) kilograms per
- 21 meter squared, with comorbidity or coexisting medical conditions
- 22 such as hypertension, cardiopulmonary conditions, sleep apnea,
- 23 or diabetes; or
- 24 (2) a body mass index of at least forty (40) kilograms per meter
- 25 squared without comorbidity.

- 1 For purposes of this subsection, body mass index is equal to weight in  
 2 kilograms divided by height in meters squared.
- 3 (e) Except as provided in subsection (f), the state shall provide  
 4 coverage for nonexperimental, surgical treatment by a health care  
 5 provider of morbid obesity:
- 6 (1) that has persisted for at least five (5) years; and  
 7 (2) for which nonsurgical treatment that is supervised by a  
 8 physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)**  
 9 consecutive months.
- 10 (f) The state may not provide coverage for surgical treatment of  
 11 morbid obesity for a covered individual who is less than twenty-one  
 12 (21) years of age unless two (2) physicians licensed under IC 25-22.5  
 13 determine that the surgery is necessary to:
- 14 (1) save the life of the covered individual; or  
 15 (2) restore the covered individual's ability to maintain a major life  
 16 activity (as defined in IC 4-23-29-6);  
 17 and each physician documents in the covered individual's medical  
 18 record the reason for the physician's determination."  
 19 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 266 as printed February 24, 2006.)

---

Representative Brown T