

Adopted	Rejected
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# COMMITTEE REPORT

YES: 8  
NO: 4

**MR. SPEAKER:**

*Your Committee on Public Health, to which was referred Senate Bill 461, 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:*

- 1           Page 1, between the enacting clause and line 1, begin a new
- 2           paragraph and insert:
- 3           "SECTION 1. IC 4-1-12 IS ADDED TO THE INDIANA CODE AS
- 4           A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 5           PASSAGE]:
- 6           **Chapter 12. Implementation of the Patient Protection and**
- 7           **Affordable Care Act**
- 8           **Sec. 1. As used in this chapter, "federal health care act" refers**
- 9           **to the federal Patient Protection and Affordable Care Act (P.L.**
- 10          **111-148), as amended by the federal Health Care and Education**
- 11          **Reconciliation Act of 2010 (P.L. 111-152), as amended, and**
- 12          **regulations or guidance issued under those acts.**
- 13          **Sec. 2. Notwithstanding any other law, the following apply:**
- 14               **(1) A state agency may not implement or prepare to**
- 15               **implement the federal health care act.**

1           **(2) Except as specifically authorized by state law, the**  
2           **department of state revenue may not cooperate, work, or**  
3           **adopt rules to comply with the federal health care act.**

4           **(3) A state agency may not apply or accept a grant that is**  
5           **specifically intended to comply with or implement the federal**  
6           **health care act, unless the state agency's grant has been**  
7           **reviewed by the legislative council. The legislative council may**  
8           **issue an advisory recommendation to the state agency**  
9           **concerning the grant.**

10          **(4) A state agency may not make a request for authority or**  
11          **permission from any federal agency to implement or comply**  
12          **with the federal health care act. However, a state agency may**  
13          **respond to inquiries from a federal agency.**

14          **(5) Except as specifically authorized by state law, a state**  
15          **agency may not adopt a rule to implement or comply with the**  
16          **federal health care act.**

17          **Sec. 3. (a) As used in the section, "health plan" means a policy,**  
18          **contract, certificate, or agreement offered or issued by a carrier to**  
19          **provide, deliver, arrange for, pay for, or reimburse the costs of**  
20          **health care services.**

21          **(b) Notwithstanding any other law, a resident of Indiana may**  
22          **not be required to purchase a health plan. A resident may delegate**  
23          **the resident's authority to purchase or decline to purchase a health**  
24          **plan to the resident's employer.**

25          **Sec. 4. Notwithstanding any other law, an insurer (as defined in**  
26          **IC 27-1-2-3) that is doing business in Indiana is not required to**  
27          **comply with the medical loss ratio requirements under Section**  
28          **2718 of the federal Public Health Service Act, as added by the**  
29          **federal health care act. However, an insurer shall report the**  
30          **medical loss ratio to the Indiana department of insurance and**  
31          **provide the information in a manner that is accessible to the public.**

32          **SECTION 2. IC 12-7-2-82.4 IS ADDED TO THE INDIANA CODE**  
33          **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**  
34          **UPON PASSAGE]: Sec. 82.4. "Family planning services", for**  
35          **purposes of IC 12-15-45-1, has the meaning set forth in**  
36          **IC 12-15-45-1(a).**

37          **SECTION 3. IC 12-7-2-85.1 IS ADDED TO THE INDIANA CODE**  
38          **AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**

1 UPON PASSAGE]: **Sec. 85.1. "Fertilization", for purposes of**  
 2 **IC 12-15-45-1, has the meaning set forth in IC 12-15-45-1(b)."**

3 Page 8, between lines 28 and 29, begin a new paragraph and insert:  
 4 "SECTION 17. IC 12-15-45 IS ADDED TO THE INDIANA CODE  
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 6 UPON PASSAGE]:

7 **Chapter 45. Medicaid Waivers and State Plan Amendments**

8 **Sec. 1. (a) As used in this section, "family planning services"**  
 9 **does not include the performance of abortions or the use of a drug**  
 10 **or device intended to terminate a pregnancy after fertilization.**

11 **(b) As used in this section, "fertilization" means the joining of**  
 12 **a human egg cell with a human sperm cell.**

13 **(c) As used in this section, "state amendment plan" refers to an**  
 14 **amendment to Indiana's Medicaid State Plan as authorized by**  
 15 **Section 1902(a)(10)(A)(ii)(XXI) of the federal Social Security Act**  
 16 **(42 U.S.C. 1315).**

17 **(d) Before January 1, 2012, the office shall do the following:**

18 **(1) Apply to the United States Department of Health and**  
 19 **Human Services for approval of a state plan amendment to**  
 20 **expand the population eligible for family planning services**  
 21 **and supplies as permitted by Section 1902(a)(10)(A)(ii)(XXI)**  
 22 **of the federal Social Security Act (42 U.S.C. 1315). In**  
 23 **determining what population is eligible for this expansion, the**  
 24 **state must incorporate the following:**

25 **(A) Inclusion of women and men.**

26 **(B) Setting income eligibility at the state's Medicaid CHIP**  
 27 **state plan level.**

28 **(C) Adopting presumptive eligibility for services to this**  
 29 **population.**

30 **(2) Consider the inclusion of the following additional family**  
 31 **planning services:**

32 **(A) medical diagnosis; and**

33 **(B) treatment services;**

34 **that are provided for family planning services in a family**  
 35 **planning setting for the population designated in subdivision**  
 36 **(1) in the state plan amendment.**

37 **(e) The office shall report concerning its proposed state plan**  
 38 **amendment to the Medicaid oversight committee during its 2011**

1 **interim meetings. The Medicaid oversight committee shall review**  
2 **the proposed state plan amendment. The committee may make an**  
3 **advisory recommendation to the office concerning the proposed**  
4 **state plan amendment.**

5 **(f) The office may adopt rules under IC 4-22-2 to implement this**  
6 **section.**

7 **(g) This chapter expires January 1, 2016."**

8 Renumber all SECTIONS consecutively.

(Reference is to SB 461 as reprinted January 26, 2011.)

**and when so amended that said bill do pass.**

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Representative Brown T